

"I am not a little surprised, when I hear it gravely asserted, that the existence of a large militia force is incompatible with a large military force, and destructive to the military spirit of the country. It is admitted even by those gentlemen, that it is a question of degree; and it was stated by my Right Honourable Friend (Mr. Windham), that all the species of force are good in their different degrees. Now, if it be admitted, that the militia, to the extent of 30,000 men, is good in its kind, and if that force was considered as necessary forty years ago, those gentlemen must admit, that we now want a much larger militia force."—Mr. Pitt's Speech, June 23, 1803.

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THE TRIAL OF AN ACTION FOR DAMAGES,

Brought by Mr. Plunkett, Solicitor General of Ireland, against Mr. Cobbett, for publishing, in the Weekly Political Register of the 10th of December last, a Libel upon the said Mr. Plunkett. Tried in the Court of King's Bench, at Westminster, on Saturday, the 26th of May, 1804, before Lord Chief Justice Ellenborough and a Special Jury.

Counsel for the Plaintiff. Mr. Erskine, Mr. Garrow, Mr. Dampier, and Mr. Nolan.

Counsel for the Defendant. Mr. Adam and Mr. Richardson.

THE DECLARATION.

MILITARY TERM, IN THE FORTY-FOURTH YEAR OF THE REIGN OF KING GEORGE THE THIRD.

Middlesex, to wit. William Conyngham Plunkett complains of William Cobbett, being in the custody of the Marshal of the Marshalsea of our Lord the King before the King himself. For that whereas the said William Conyngham now is, and from the time of his nativity hitherto, hath been a good, true, faithful, and honest subject of our Lord the King, and as such, hath always hitherto conducted himself. And whereas also the said William Conyngham, before and at the time of the publishing the false, scandalous, malicious, and defamatory libels hereinafter mentioned, was and yet is a barrister at law in that part of the United Kingdom of Great Britain and Ireland, called Ireland, practising there, and Solicitor General of our Lord the King in Ireland. And whereas also, before and at the time of the publishing the several false, scandalous, malicious, and defamatory libels hereinafter mentioned, the Right Honourable Philip, Earl of Hardwicke, was Lieutenant General of that part of the United Kingdom of Great Britain and Ireland, called Ireland, and was Governor General of that part of the said United Kingdom, called Ireland.

And whereas also, before the publishing of the several false, scandalous, malicious, and defamatory libels hereinafter mentioned, one Robert Emmett had been in due manner tried in Ireland upon an indictment for high treason, on which said trial he the said William Conyngham, was as such barrister at law as aforesaid, retained and employed on the part of the prosecution, and as such barrister, made observations upon the evidence given upon the said trial. And whereas also, the said Robert Emmett was in due manner convicted of high treason upon the said trial, and received the sentence of the law upon such his conviction. And whereas also, before the publishing of the several false, scandalous, malicious, and defamatory libels hereinafter mentioned, and before the union between Great Britain and Ireland, and while the said William Conyngham was such barrister as aforesaid, he, the said William Conyngham had been a member of the Commons House of Parliament in Ireland, and had in the Commons House of Parliament in Ireland, as such member thereof, delivered his opinion upon various subjects there debated and discussed. And whereas also, the said William Conyngham, before and at the time of the publishing of the several false, scandalous, malicious, and defamatory libels hereinafter mentioned was much employed in his profession of a barrister at law, whereby he got great gains and profits, and was also much respected, consulted, and entrusted by divers persons holding high offices in the administration and government of Ireland, that is to say, at Westminster, in the said County of Middlesex, and had always so behaved and conducted himself as deservedly to have gained and retained the esteem of all persons by whom he was so as aforesaid retained, employed, and entrusted to his great comfort and advancement in life. Yet the said William Cobbett well knowing the premises, but greatly envying the happy state and condition of the said William Conyngham, and contriving and maliciously intending to injure him in his said profession of a

barrister at law, and to cause him to be reputed a base, unworthy, and unprincipled man, and an unfit person to hold his said office of Solicitor General of our said Lord the King of Ireland, or to be entrusted by any person holding any office in the administration and government of Ireland, and to deprive him of his good name, fame, credit, and reputation amongst all good subjects of our Lord the King, and to bring him into great scandal, infamy, and contempt on the tenth day of December, in the year of our Lord one thousand eight hundred and three, at Westminster aforesaid, in the said County of Middlesex, in and by a certain printed paper of and concerning the Affairs of Ireland, and the administration of the affairs and government thereof, did falsely and maliciously publish a certain false, scandalous, malicious, and defamatory libel, and of and concerning the said William Conyngham, and of and concerning his conduct as a barrister at law upon the said trial of the said Robert Emmett, and of and concerning his conduct as a member of the Commons House of Parliament in Ireland, and the opinions by him there delivered, and of and concerning the opinion which it is in that libel asserted, the late Right Honourable Lloyd, Lord Kenyon, now and at the time of the said trial of the said Robert Emmett, and of the publishing the said libel, deceased, would have entertained of the said William Conyngham, had the said late Lord Kenyon been alive, and been employed in the administration of the affairs and government of Ireland at the time of the said trial of the said Robert Emmett, which same false, scandalous, malicious, and defamatory libel was and is in a certain part thereof as follows, to wit: "From a rare modesty of nature, or from a rare precision of self-knowledge, Lord Kenyon (meaning the said late Lord Kenyon) would have acted with reserve and circumspection, on his arrival in a country, (meaning the country of Ireland) with the moral qualities of the inhabitants of which, and with their persons, manners, and individual characters and connexions, he must have been utterly unacquainted. In such a country, torn with domestic sedition and treason, threatened with foreign invasion, and acting, since the union, under an untried constitution, if Doctor Addington had required that Lord Kenyon (meaning the said late Lord Kenyon, deceased) should direct a Cambridgeshire Earl (meaning the said Philip, Earl of Hardwicke, so being Lieutenant General, and also Governor General of that part of the United Kingdom of Great-Britain and Ireland, called Ireland, as

aforesaid) "in ALL his councils," Lord Kenyon (meaning the said late Lord Kenyon) would as soon, at the desire of Lord St. Vincent, have undertaken to pilot a line of battle ship through the Needles. Particularly, the integrity of Lord Kenyon (meaning the said late Lord Kenyon) would have shrunk from such an undertaking, if a condition had been added to it that no one nobleman or gentleman who possessed any rank, estate, or connexion in the country, should upon any account be consulted. His pride would have spurned at the undertaking, if he were told, that to the Cambridgeshire Earl (again meaning the said Philip, Earl of Hardwicke, so being Lieutenant General, and also Governor General of that part of the United Kingdom of Great-Britain and Ireland, called Ireland, as aforesaid) and himself, in the cares of government, (meaning the government of Ireland) a clerk in the secretary's office, and a couple of lawyers (meaning that the said William Conyngham was one of these lawyers) without political habits, political information or honourable connexion, were to be joined as assessors, and to be the only assessors. And Lord Kenyon's (meaning the said late Lord Kenyon's) pride and integrity would have both joined in preventing him from being, himself, the instrument of introducing such men into a cabinet of government. If any one man could be found, (meaning that the said William Conyngham was that man) of whom a young but unhappy victim of the justly offended laws of his country, (meaning the said Robert Emmett) had, in the moment of his conviction and sentence, (meaning the aforesaid conviction of the said Robert Emmett of high treason, and his said sentence thereupon) uttered the following apostrophe—"That viper! (meaning the said William Conyngham) whom my father nourished! He it was from whose lips I first imbibed those principles and doctrines, which now by their effects drag me to my grave; (meaning that the said Robert Emmett had first imbibed principles and doctrines from the said William Conyngham, which by their effects led him to commit high treason) "and he it is who is now brought forward as my prosecutor, and who by an unheard of exercise of the prerogative, has wantonly lashed, with a speech to evidence, (meaning the observations upon the evidence given on the said trial of the said Robert Emmett so as aforesaid made by the said William Conyngham) "the dying son of his former friend, when that dying son had produced no evidence,



" had made no defence, but, on the contrary, had acknowledged the charge, and " had submitted to his fate." (meaning thereby, that the said William Conyngham had acted in the manner above described in the said libel)——" Lord Kenyon (meaning the said late Lord Kenyon) would have turned with horror from such a scene, in which, although guilt was in one part to be punished, yet in the whole drama, justice was confounded, humanity outraged, and loyalty insulted.——Of Lord Kenyon, therefore, (Cambricus must well know) it never could have been believed, that he himself would lead such a character (meaning the said William Conyngham) forward, introduce him (meaning the said William Conyngham) to the favour of a deceived Sovereign, clothe him (meaning the said William Conyngham) in robes, and load him (meaning the said William Conyngham) with the emoluments of office (meaning the said office of Solicitor General of our said Lord the King of Ireland). Lord Kenyon (meaning the said late Lord Kenyon) must have known that a noble Duke for having toasted at a drunken club, in a common tavern, to a noisy rabble, "*the sovereignty of the people*," was struck, by his Majesty's command, out of the privy council, and deprived of all his offices both civil and military. If, therefore, any man were to be found, (meaning that the said William Conyngham was that man) who, not at a drunken club, or to a brawling rabble, but in a grave and high assembly (meaning the said Commons House of Parliament in Ireland); not in the character of an inebriated toast-master, but in that of a sober constitutional lawyer, had insisted on *the sovereignty of the people* as a first principle of the English law; and had declared, that by law an appeal lay from the decision of the tellers of the Houses of Parliament, to that of the "*tellers of the nation*," and, that if a particular law were disagreeable to the people, however it might have been enacted with all royal and parliamentary solemnity, nevertheless, it was not binding, and the people by the general law were exempted from obedience to such a particular law, because the people were the supreme and ultimate judges of what was for their own benefit, (meaning that the said William Conyngham, had delivered such opinions as are above set forth, in the said libel in the Commons House of Parliament in Ireland) Lord Kenyon (meaning the said late Lord Kenyon) if he had been chancellor in any kingdom in Europe, would have shrunk from recommending any such man

to the favour of a monarch, while there yet remained a shadow of monarchy visible in the world "

2d COUNT.—And the said William Cobbett of his further malice against the said William Conyngham, and again contriving and maliciously intending to injure and prejudice him as aforesaid, afterwards, to wit, on the same tenth day of December, in the said year of our Lord one thousand eight hundred and three, at Westminster aforesaid, in the said County of Middlesex, did falsely and maliciously publish a certain other false, scandalous, malicious, and defamatory libel of, and concerning the said William Conyngham, and of and concerning his conduct as a barrister at Law, upon the said trial of the said Robert Emmett, and of and concerning the opinion which it is in that same libel asserted, the said late Lloyd, Lord Kenyon, now and at the time of the said trial of the said Robert Emmett, deceased, and of the publication of the said libel, would have entertained of the said William Conyngham, had the said late Lord Kenyon been alive and present at the said trial of the said Robert Emmett, which same false, scandalous, malicious, and defamatory libel was, and is in a certain part thereof as follows: to wit, " if any one man could be found, (meaning that the said William Conyngham was that man) of whom a young, but unhappy victim of the justly offended laws of his country, (meaning the said Robert Emmett) had, in the moment of his conviction and sentence, (meaning the aforesaid conviction of the said Robert Emmett of high treason, and his said sentence thereupon) uttered the following apostrophe: " That viper!" (meaning the said William Conyngham) " whom my father nourished! He it was from whose lips I first imbibed those principles and doctrines, which now, by their effects, drag me to my grave;" (meaning that the said Robert Emmett had first imbibed principles and doctrines from the said William Conyngham, which, by their effects, led him to commit high treason) " and he it is who is now brought forward as my prosecutor, and who by an unheard of exercise of the prerogative, has wantonly lashed, with a speech to evidence, the dying son of his former friend, when that dying son had produced no evidence, had made no defence; but, on the contrary, had acknowledged the charge, and had submitted to his fate." (meaning thereby that the said William Conyngham had acted in the manner so described in the said last mentioned libel) " Lord Kenyon (meaning the said late Lord Kenyon) would have turned with

horror from such a scene, in which, although guilt was in one part to be punished, yet in the whole drama, justice was confounded, humanity outraged, and loyalty insulted." Of Lord Kenyon, therefore, (meaning the said late Lord Kenyon) (Cambricus must well know) it never could have been believed, that he himself would lead such a character (meaning the said William Conyngham) forward, introduce him (meaning the said William Conyngham) to the favour of a deceived Sovereign, clothe him (meaning the said William Conyngham) in the robes, and load him (meaning the said William Conyngham) with the emoluments of office (meaning the said office of solicitor general of our said Lord the King of Ireland).

3^d COUNT.—And whereas also the said William Conyngham before and at the time of the publishing of the false, scandalous, malicious, and defamatory libel hereinafter mentioned, was and yet is a barrister at law in that part of the United Kingdom of Great Britain and Ireland, called Ireland, practising there, and Solicitor General of our said Lord the King in Ireland. And whereas also before the publishing of the false, scandalous, malicious, and defamatory libel hereinafter mentioned, one Robert Emmett had been in due manner tried in Ireland, upon an indictment for high treason, on which said trial the said William Conyngham was, as such barrister at law as aforesaid, retained and employed on the part of the prosecution. And as such barrister at law, made observations on the evidence given upon the said trial. And whereas also the said Robert Emmett was in due manner convicted of high treason upon the said trial, and received the sentence of the law upon such his conviction. And whereas also the said William Conyngham before and at the time of publishing the false, scandalous, malicious, and defamatory libel hereinafter mentioned, was much employed and consulted in his profession of a barrister at law, whereby he got great gains and profits, and was much respected and entrusted by divers of his friends and acquaintance in the management and conduct of their affairs and business, that is to say, at Westminster aforesaid, in the said County of Middlesex, and had always so behaved and conducted himself as deservedly to have gained and retained the esteem of all persons by whom he was so as last aforesaid, retained, employed, consulted, and entrusted to his great comfort and advancement in life. Yet the said William Cobbett well knowing the said last mentioned premises, but greatly envying the happy state and con-

dition of the said William Conyngham and contriving and maliciously intending to injure him in his said profession as a barrister at law, and to cause him to be reputed a base, unworthy, and unprincipled man, and an unfit person to hold his said office of Solicitor General of our said Lord the King of Ireland, or to be employed, consulted, or intrusted by any person in his said profession of a barrister at law, and to deprive him of his good name, fame, credit, and reputation amongst all good subjects of our Lord the King, and to bring him into great scandal, infamy, and contempt, on the tenth day of December, in the said year of our Lord one thousand eight hundred and three, at Westminster aforesaid, in the said County of Middlesex, did falsely and maliciously publish a certain other false, scandalous, malicious, and defamatory libel of and concerning the said William Conyngham, and of and concerning his conduct as a barrister at law upon the said trial of the said Robert Emmett, and of and concerning the opinion which it is asserted in the same libel, the said late Lord Kenyon would have entertained of the said William Conyngham, and of his conduct at that trial, which same false, scandalous, malicious, and defamatory libel was, and is in a certain part thereof as follows. "If any one man could be found, (meaning that the said William Conyngham was that man) of whom a young but unhappy victim of the justly offended laws of his country, (meaning the said Robert Emmett) had, in the moment of his conviction and sentence, (meaning the aforesaid conviction of the said Robert Emmett of high treason, and his said sentence thereupon) uttered the following apostrophe. "That viper! (meaning the said William Conyngham) "whom my "father nourished! He it was from whose "lips I first imbibed those principles and "doctrines, which now, by their effects, drag "me to my grave; (meaning that the said Robert Emmett had first imbibed principles and doctrines from the said William Conyngham, which, by their effects, led him to commit high treason) "and he it is who "is now brought forward as my prosecutor, "and who by an unheard of exercise of the "prerogative, has wantonly lashed, with a "speech to evidence (meaning the said observations upon the evidence given upon the said trial of the said Robert Emmett, so made by the said William Conyngham as last aforesaid) "the dying son of his former "friend, when that dying son had produced "no evidence, had made no defence; but, "on the contrary, had acknowledged the "charge, and had submitted to his fate."

(meaning thereby that the said William Conyngham had acted in the manner above described in the said last mentioned libel) Lord Kenyon (meaning the said late Lord Kenyon) would have turned with horror from such a scene, in which, although guilt was in one part to be punished, yet in the whole drama, justice was confounded, humanity outraged, and loyalty insulted. Of Lord Kenyon, (meaning the said late Lord Kenyon) therefore, (Cambricus must well know) it never could have been believed, that he (meaning the said late Lord Kenyon) himself would lead such a character (meaning the said William Conyngham) forward, introduce him (meaning the said William Conyngham) to the favour of a deceived Sovereign, clothe him (meaning the said William Conyngham) in the robes, and load him (meaning the said William Conyngham) with the emoluments of office" (meaning the said office of Solicitor General of our said Lord the King. of Ireland). By reason of the publishing of which said several false, scandalous, malicious, and defamatory libels, the said William Conyngham is much injured in his credit and reputation, and brought into great disgrace and contempt, and is much prejudiced in his said profession of a barrister at law, and has lost divers great gains and profits which he would otherwise have derived therefrom, and has lost the esteem and respect of many of his friends and acquaintance; to wit, at Westminster aforesaid, in the said County of Middlesex. Whereupon the said William Conyngham saith he is injured, and has sustained damage to the value of ten thousand pounds. And therefore, he brings suit, &c.

After the declaration had been read, Mr. ERSKINE addressed the Court and Jury as follows:

MY LORD, AND GENTLEMEN OF THE JURY.—Independently of the pannel annexed to the record, which enabled me to see that I was before the same jury who, the day before yesterday, tried the defendant for a libel on his Majesty's Government of Ireland, I could not help observing, from my familiarity with your features, that I was in that situation; a situation which the defendant could have prevented, had he thought proper, because, being called upon to answer in an action for slander, it was in his power to have selected another jury, either by a particular application to the Court, or by availing himself of his right to expunge from the pannel the names of any persons whom he might dislike. But, gentlemen, I am not sure that he has not made a prudent choice, in having the same persons to try

him a second time; because it affords him the opportunity of introducing himself to your attention by the character which has been given him with regard to his talents, his education, his morals, and his attachment, to the constitution of the country. So far, therefore, am I from wishing you to forget that the defendant is not a low, obscure, contemptible, and uninteresting individual, I am rather desirous that you should contemplate him, as he has been described by his counsel, a gentleman of great talents, possessing the advantage of a powerful and energetic mode of expressing his sentiments in writing; one who well knows how to wield that useful weapon, the pen—that weapon so dangerous when not restrained by morality and by law; one who, having raised himself from humble parentage by his intellectual endowments, ought to have recollected, that others who had done the same, were as jealous as himself of their fair fame, reputation, and esteem of the world.—Gentlemen, the defendant, Mr. Cobbett, is called upon to answer for part of the same libel which was laid before you the other day, at the instance of the crown; for, by the mode of libelling which Mr. Cobbett has adopted, he takes care to throw far and wide his slander, and has thereby rendered it necessary for an individual who has been grievously calumniated, to come forward in vindication of himself against an attack upon his character, through the medium of the magistracy, and the situation which he holds as Solicitor General of that part of the United Kingdom, called Ireland. It is not for me to enter into the considerations which determined you in your former verdict; but I confess, it appeared extraordinary to me to hear it stated by the defendant's counsel, that the libel was dictated by a regard for his Majesty's government in Ireland, and a zeal for the constitution of the country, when, at the same time, the author describes that part of the United Kingdom as brought into peril by sedition and rebellion, and shaken to its centre by intestine commotions, and, by way of curing that strife and discord, represents his Sovereign, whom he professes to love, but whom he cannot love if he is guilty of the libel before you, as employing his executive authority at this awful juncture, in selecting persons who, so far from having the capacity to govern a country, are not fit to be constables for the meanest parish. Because a person in Lord Hardwicke's situation chooses to devote his leisure hours to agricultural pursuits, Mr. Cobbett represents him as a nobleman, "having a good library

in St. James's Square; and celebrated for understanding the modern method of fattening a sheep as well as any man in Cambridgeshire." He takes the same liberty with another noble lord with whom we are all well acquainted. I mean my Lord Redesdale; who is represented as "a very able and strong-built chancery pleader from Lincoln's-Inn." Now, gentlemen, is it a disgrace to a man to be a feeder of sheep in Cambridgeshire, or a chancery pleader? Yet, in this strain of ridicule does Mr. Cobbett treat them, for the purpose of making the world believe, that they are unfit persons for the situations their Sovereign has called them to fill. In this way he thinks fit to stab, and destroy, the characters of these noblemen, and to inflict such a wound, such a dastardly and malignant wound, that I should change my opinion of you, gentlemen, and I should be sorry to do so, after so many years acquaintance with most of your countenances, if, after hearing what I shall have to address to you, you could suffer such a libeller to go out of this Court unpunished. —Gentlemen, this is a civil action; I therefore trust that you will not suffer your minds to be distracted by those important considerations of the liberty of the press, which have so often agitated Parliament and Courts of Justice. It would ill become me to say any thing against that sacred privilege; seeing that I consider it as almost the only honour of my humble life, that I took an active part in framing the statute for its protection, and assisted the eminent statesmen who brought that law into Parliament which was referred to on the former trial, and so ably commented upon by my learned friend Mr. Adam. The reason of that law was this: it never was disputed, it never can or will be disputed, that a man is entitled to that tranquillity, happiness, and peace of mind, which is the result of an honourable reputation, provided his conduct in life entitles him to it. There is implanted in every man's bosom an invincible sensibility to the opinion of his fellow creatures, which nothing can destroy. It is the foundation of all patriotism, the sentiment which rears states from infancy to maturity, the principle that makes eminent men struggle for distinction, and keeps them in the straight paths of their duty when called to the high offices of magistracy; therefore, the laws of society protect mankind in this dearest of all human blessings; and, if any man writes of another that which is injurious to him in his trade, profession, or character, or which tends to expose him to penalties, or brings him into contempt, all this

is libellous, and the law deems it an object of penal animadversion. But, to use the language of my Lord Chief Justice Holt, a man peculiarly a friend to the liberty of the press, "words tending to scandalize magistrates or persons in public trust are more injurious than when spoken against private men," and for this obvious reason, that magistrates are placed on a pinnacle to which the public attention is directed; they know that the public have a right to call on them for an account of their conduct; whereas private men are known only among the circle of their own families or immediate friends. In the case before you, my client is attacked not only as a private individual, but as a magistrate also; it is, however, necessary, that in appealing for satisfaction, he should come into this Court erect in his integrity, and conscious of his innocence. If he is the man Mr. Cobbett has represented him, it was for the defendant to have justified the libel and to have proved it. But all this he has not so much as attempted to do. Had he done so, I would rather die than hold communion with an abandoned, profligate wretch, such as my client is here represented to be. It never can have been said, that it was other than a question of law what was a libel which brought a man into contempt: it is a question of fact whether it has been written, and the meaning and intention of the author is also a question of fact. With respect to libels which have a tendency to bring the government into contempt, the question of law is mixed with fact, upon which the judge is to give the general principles, leaving the jury to draw their own conclusions. It was not Lord Mansfield who first departed from this rule; it had been departed from by judges before his time for so long a series, that his lordship considered juries, the moment the publication was proved, without any jurisdiction to consider its tendency, but bound to return their verdict for the crown. The consequence of this was, that libellers became popular. They made use of the office of jury as a stalking horse to cover iniquity; and it thereby became easy to confound the most essential and substantial privileges of the people with the worst offences. To remedy this evil the libel bill was brought in. It was a great satisfaction to my mind, to hear so eminent a person as the noble lord now on the Bench, declare to you the other day, that, independently of this law, its principle is the one which he should have adopted. In the present case I must first prove that the defendant published the libel; but, I shall not expect that you will give da-

mages, unless I also prove, that this libel is of the most malignant, injurious, and destructive nature, that it might lead in its probable consequences to the premature death of the unfortunate person, my client, and that, at all events, it strikes most deeply at his honour. Before the publication of this libel, Mr. Robert Emmett, the son of an eminent physician in Ireland, and brother to a barrister, had mixed himself abroad with seditious persons, who had filled his mind with an enthusiastic notion, that the interest and happiness of Ireland could only be effected by a separation from Great Britain. He directed all his views to the accomplishment of this purpose. He avowed his design, he gloried in it when the sword of justice was lifted up against him; and when he was asked by the judge, why judgment should not be passed upon him, he entered into a declaration of his principles, and avowed his determination to die in defence of them. Lord Norberry, before whom he was tried, fearful of allowing him to avail himself of his situation to foment rebellion, interrupted the unfortunate young man more than once. Highly as every one must approve the conduct of the noble lord, it is, nevertheless, to be lamented, that it should have become necessary to have interrupted him; for, gentlemen, what will you say, when I tell you, that, to the confusion of this libeller, this unfortunate young man, after he retired, made this declaration, "that such had been the mildness of the government of Lord Hardwicke, of which the defendant has spoken with such contempt, because the father of the late minister was a Doctor—such, I say, had been its mildness, that he was obliged to push on the catastrophe that took place, lest there should have been an end of rebellion, by the causes of it having ceased. Mr. Emmett after he had been prevented from doing any more mischief, so far from complaining that he had been insulted by my client, Mr. Plunkett, openly acknowledged, that it was the wisdom, the moderation, the forbearance, the prudence, and the virtue of the government of Lord Hardwicke, that were dissolving rebellion and the spirit of it, like enchantment, by working in secret on the minds of a noble-minded people. Mr. Emmett could not wait, for fear the people should be divested of their insane prejudices. They were induced to return to their duty and their allegiance, in the same manner as the fog is dispersed at the rising of the sun, not from its heat, but the benignity of its beams. Lord Hardwicke, gentlemen, has governed Ireland in a most excellent manner. I have some reason to be acquainted with his

private character, as his lordship married one of my nearest relations. He has conducted himself in Ireland with such mildness, that a change in the minds of the people has already begun to take place. It is not by long speeches that the ruler of a nation discovers his ability to govern; it is not by *sesquipedalia verba*, nor by high sounding eloquence. In Ireland particularly, from circumstances which have occurred, the people of that country require to be restrained with a delicate hand. Mr. Burke once said, speaking of America, "you should send her the angel of peace, but instead of the angel of peace, you are sending her the destroying angel." The high characters, to whom I allude, appear to have adopted, with respect to Ireland, what the great Lord Chatham so well recommended when speaking of America.—

"Be to her faults a little blind,
Be to her virtues ever kind,
Let all her ways be unconfined
And clap the padlock on your mind."

By acting upon this principle, the government of Ireland was daily recenciling the affections of the people; so much so, that Mr. Emmett thought, if he deferred his scheme of insurrection, it would be difficult at a future day to bring them up to the pitch of disaffection which was necessary to its success. The attempt was accordingly made. The result it is unnecessary for me to state. Mr. Plunkett, the plaintiff, was employed to assist the Attorney General in the prosecution against Mr. Emmett; and the case was so clear, that the counsel who was engaged for that unhappy person did not call any witnesses to protect him. My Lord Norberry was of opinion, that this did not prevent the counsel for the crown from making observations to the jury. My client was far from desiring to treat with contempt or insult a man who was about to suffer death. I do say, and Mr. Cobbett was at liberty to prove the contrary if he could have done so, that Mr. Plunkett availed himself of this useful opportunity to warn others from the fate of this wretched young man. He told them, that if they expected France to assist them in the forming of their republic, they would find themselves dreadfully deceived; that the time was not far off when they would see that their leader was actuated by nothing but ambition, by a desire to aggrandize his own family, and a total forgetfulness of every thing that had animated the mind of the great Washington. Was not this the duty of the counsel of the crown? This is what Mr. Plunkett did. This is what I should have done in a similar situation. He made

such observations as were calculated to render the people of Ireland to a love of their country and of its government. It was not with a view to Mr. Emmett alone that he addressed the jury, but that the scaffold might not bleed in vain.—Gentlemen, I am by no means desirous of calling in question the high character which was given of Mr. Cobbett on a former day; but if he be the lover of his country which he has been described to you, he must shew his attachment by obedience to its laws. The defendant has not merely thrown out the ambiguous *oases*, but, day after day, this lover of the King's government has been writing and sending forth his libels into that distracted country. It is no defence to say, that Mr. Cobbett is an admirer of the King and Constitution, if he is constantly libelling the ministers of that king and transgressing the laws of that Constitution. It is nothing for a man to say, "I believe in the merits of my Saviour, I respect my religion and my God," if he is hourly in the practice of breaking the ten commandments. The defendant does not fall into sin from the infirmities of his nature. The Saviour of man has said, "by their fruits ye shall know them," and by the libels which I am about to read to you, you will be enabled to judge of Mr. Cobbett. Although, as I have shewn to you, Mr. Emmett had not the least idea of complaining of harsh treatment on the part of my client towards him, the defendant has nevertheless thought proper to publish the following most scandalous libel. "If any
 " one man could be found, of whom a young
 " but unhappy victim of the justly offended
 " laws of his country, had, in the moment
 " of his conviction and sentence, uttered the
 " following apostrophe:—'That viper,
 " "whom my father nourished! He it was
 " "from whose principles and doctrines,
 " "which now, by their effects, drag me to
 " "my grave; and he it is who is now
 " "brought forward as my prosecutor, and
 " "who, by an unheard-of exercise of the
 " "prerogative, has wantonly lashed with a
 " "speech to evidence the dying son of his
 " "former friend, when that dying son had
 " "produced no evidence, had made no
 " "defence, but, on the contrary, acknow-
 " "ledged the charge, and submitted to his
 " "fate." Lord Kenyon would have turned
 " with horror from such a scene, in which,
 " although guilt was in one part to be pu-
 " nished, yet in the whole drama justice was
 " confounded, humanity outraged, and loy-
 " alty insulted." Now, gentlemen, what can be said of a man worse than this? My Lord Coke, with all his great fame, never

has outlived, and never will outlive, the memory of the manner in which he treated Sir Walter Raleigh in a court of justice. Something was his conduct upon this occasion, that it stands like a blot upon his escutcheon. The conduct imputed to the plaintiff would have been brutal even if Mr. Emmett had been a perfect stranger to him, instead of the "dying son of his former friend." But, the assertion is false, or Mr. Cobbett might have proved it. Was Mr. Cobbett present when Mr. Emmett made use of these words? And, if not, where had he his authority? Has he any right to insert, in his papers, what renders me the object of universal horror and detestation? No crime can be more detestable, than that which the plaintiff is here charged with; that he had "in-
 " stilled into the mind of this young man
 " principles which, by their effects dragged
 " him to his grave; and that, by an unheard
 " of exercise of prerogative he had wanton-
 " ly lashed, with a speech to evidence, the
 " dying son of his former friend, when that
 " dying son had produced no evidence, had
 " made no defence, but, on the contrary,
 " had acknowledged his charge, and had
 " submitted to his fate." He goes on to say, that "Lord Kenyon would have turned
 " with horror from such a scene, in which,
 " although guilt was in one part to be pu-
 " nished, yet, in the whole drama, justice
 " was confounded, humanity outraged, and
 " loyalty insulted." Gentlemen, is this true? Did Mr. Cobbett believe it to be true when he published it? But, notwithstanding this, he sells these libels to this very hour; he sells them in volumes, the more effectually to blast the character of this man to future times. But Mr. Adam tells you, that his client is a man of strong powers of mind; that he writes from a spirit and principle of his own; that he raised himself to his present respectable situation by unwearied industry; that he was the son of a farmer, and the grandson of a day labourer; that he is self-taught in the grammar of his native language, and knows how to use that language with acuteness and precision. All these qualifications I am ready to allow Mr. Cobbett, and over and above these qualifications I give him the merit of having published this libel; which I will venture to say is one of the most clever, as well as one of the most wicked efforts of his genius.—Gentlemen, there is nothing so popular in England as a judge. The people of England love their laws, and love their judges. But what does this artful libeller do? Under the mask of praising my Lord Kenyon, and telling us what that noble lord

would have done in such and such situations, he seizes the opportunity it affords him of sending forth against the plaintiff, Mr. Plunkett, one of the most abominable libels that ever was brought into a court of justice.—Gentlemen, upon the subject of damages, I contend, the injury the plaintiff has received is one of those which it is almost impossible to compensate by money. I beseech you to make the plaintiff's case your own, and by that standard appreciate what he ought to recover. A jury cannot "minister to a mind diseased," but it can and I trust will, by an honest verdict, give ample reparation to the gentleman so basely injured, and thereby proclaim the justice of the British law.—The libel goes on to say:—"Lord Kenyon must have known, that a noble duke, for having toasted at a drunken club, in a common tavern, to a noisy rabble, '*the sovereignty of the people*,' was struck by his Majesty's command out of the Privy Council, and deprived of all his offices both civil and military." Gentlemen, this is a libel upon the Duke of Norfolk. This libeller is not satisfied with employing single ball, but cannon, grape shot, old nails, every thing is brought into his battery, and hurled around, so as to do the utmost possible mischief. Here is a libel, too, upon the Whig Club. What will my friend Adam say to this? Gentlemen, I assure you the Whig Club is not a drunken club, nor are its members a noisy rabble. But does not Mr. Cobbett know that the Duke of Norfolk is not the only man that was struck out of the Privy Council? Does he not know, that the name of that great statesman Mr. Fox was struck out also? And does he not know, that the person who induced his Majesty to make that erasure, has since endeavoured to persuade him to strike it in again?—He goes on to say:—"if, therefore, any man were to be found who not at a drunken club, or to a brawling rabble, but in a grave and high assembly, not in the character of an inebriated toast-master, but in that of a sober constitutional lawyer, had insisted on the *sovereignty of the people* as a first principle of the English law, and had declared, that by law an appeal lay from the decision of the tellers of the Houses of Parliament, to that of the '*tellers of the nation*;' and that if a particular law were disagreeable to the people, however it might have been enacted with all royal and parliamentary solemnity, nevertheless it was not binding, and the people, by the general law, were exempted from obedience to such a particular law, because

"the people were the supreme and ultimate judges of what was for their own benefit. Lord Kenyon, if he had been Chancellor in any kingdom in Europe, would have shrunk from recommending any such man to the favour of a Monarch, while there yet remained a shadow of monarchy visible in the world." Here again this lover of the British Constitution attacks that constitution in one of its three branches. We know, gentlemen, that every member of Parliament has a right to deliver his free, unbiased sentiments; and if the plaintiff, in the execution of that right did exceed the bounds prescribed by the rules of that House, it would have been a libel on the then Speaker of the Irish House of Commons who now sits on the bench with his lordship, if he had not called him to order. Why will Mr. Cobbett meddle with matters of so high and important a nature?—Gentlemen, the questions for your consideration are simply these: is the defendant the proprietor? Did he persist in the publication? Is it a libel upon the plaintiff? And does it affect him in his character and reputation?—Gentlemen, if the libel be true, if the plaintiff be the abandoned miscreant here described, we ought to draw a curtain before him, and hide him from the world for ever. A thousand pognards are unsheathed to revenge the death of Emmett, and this inflammatory libel is calculated to direct them to the heart of the plaintiff. If he goes away from this Court with small damages, I shall lament that I brought the business before you. The people of Ireland are deeply interested in the verdict you shall deliver. I love and venerate the people of Ireland. I love those who are loyal. I love those who are not loyal—because I believe they will shortly become so. I trust your verdict will have the effect of doing away all jealousies and prejudices between the two countries, by shewing, that an Irish gentleman is not disfranchised by the union, but that, under the mild administration of the laws of England, he is entitled to and will receive, the same measure of justice as in his own country.—Gentlemen, I shall not occupy any more of your attention, but shall conclude, with expressing a hope, that I have said nothing capable of widening the breach between Great Britain and Ireland.

EVIDENCE ON THE PART OF THE PLAINTIFF.

Mr. JAMES FOLE examined by Mr. Garrett.
 Q. Did you ever purchase any number of Cobbett's Political Register? A. Yes. Indid.
 Q. Where did you purchase them? A. In

Pall Mall, at a shop described as Cobbett's Political Register Office.

Q. Did you ever buy any other numbers at any other time? A. Yes, on the 24th of May, at Bagshaw's, in Bow-street, Covent garden.

Q. Had you any opportunity of knowing whether that work has a rapid sale? A. Yes; a lady at the shop in Pall Mall told me—

Mr. ADAM. My lord, I object to that question.

Lord ELLENBOROUGH. I do not think the question necessary. It is enough to prove that the work has been in a course of sale.

Mr. GARROW. Q. Did you find any difficulty in obtaining those numbers? A. None at all.

Mr. CROWE examined by Mr. Garrow.

Q. I believe you have got the patent under the Great Seal appointing Mr. Plunkett Solicitor General of Ireland? A. I have. [Read by Mr. Lowten]

Q. I believe you have also a copy of Mr. Plunkett's return for the borough of Carlow. A. Yes, I have. [Read by Mr. Lowten.]

Q. Have you a copy of the conviction and judgment of Robert Emmett? A. I have. [Here the copy was produced and read by Mr. Lowten.]

The Right Hon. W. WICKHAM examined by Mr. Garrow.

Q. Were you in Ireland at the time of the trial of Robert Emmett? A. I was.

Q. Are you acquainted with Mr. Plunkett, the present Solicitor of Ireland? A. Yes.

Q. Did he officiate as one of his Majesty's Counsel? A. Yes. He was one of his Majesty's Counsel.

Q. Was he confidentially advised with on all occasions on which the Law Officers of the Crown are generally consulted? A. Yes. Whenever it was necessary, which frequently occurred—almost daily.

Q. Have you looked at the paper in question, called the libel? A. I have not.

Q. Cast your eye over the passage, page 808, beginning with "a couple of lawyers without political habits, political information, or honourable connexions." Do you understand those passages to apply to Mr. O'Grady the Attorney General, and Mr. Plunkett the Solicitor General? A. Clearly of the Attorney and Solicitor General.

Cross examined by Mr. Adam.

Q. They were the confidential counsel of the executive government at that time? A. Yes; they certainly were.

Q. Both Mr. O'Grady as well as Mr. Plunkett? A. Yes, they were.

Q. Both in the confidence of the executive government of Ireland? A. Yes, both of them.

Mr. BARNARD examined by Mr. Dampier.

Q. Were you in Ireland at the time of Mr. Emmett's trial? A. I was.

Q. Did you see Mr. Plunkett at that trial? A. Yes, I did.

Q. Was he employed for the prosecution? A. He was.

Q. Did he make any observations to evidence, in the course of that trial? A. He did.

Q. Look at this number of Cobbett's Political Register, page 808, and read the passage beginning with the words "If any one man could be found of whom a young but unhappy victim of the laws."—Whom do you conceive to be meant by "a young but unhappy victim of the laws?" A. I should suppose Mr. Emmett.

Q. Conceiving Mr. Emmett to be the person alluded to by the words "young and unhappy victim of the laws," whom should you suppose to be intended by the passages, "if any one man could be found," and "that viper whom my father nourished," &c. A. I do not know that Mr. Plunkett was nourished by Mr. Emmett's father.

Q. But to whom do you suppose them to apply? A. To Mr. Plunkett.

Q. Did Mr. Emmett's counsel make no defence? A. None.

Right Hon. JOHN FOSTER examined by Mr. Nolan.

Q. I believe you were Speaker of the Irish House of Parliament previous to the union? A. I was.

Q. Do you remember Mr. Plunkett sitting as a member in that House? A. I do.

Q. Do you remember whether Mr. Plunkett ever delivered his opinions on the different subjects agitated in debate? A. I do not think it proper to state whether or not he delivered his opinions—

Lord ELLENBOROUGH. It only goes to state whether or not he gave any opinions on the subjects in debate.

Q. Do you recollect whether he ever delivered his opinions on the different subjects agitated in debate? A. He frequently took a part in the debates.

Q. Have you read the libel? A. I have.

Q. Do you suppose Mr. Plunkett is the person intended in the libel.

Lord ELLENBOROUGH. Mr. Nolan, read what particular part you mean.

Mr. NOLAN. Q. Read the passage "if any one man could be found," &c. p. 809. Taking the whole context of this passage, whom do you conceive to be meant by it?

A. Taking the whole, I should certainly conceive Mr. Plunkett to be meant by it. Taking the last sentence, I should not.

Cross examined by Mr. Adam.

Q. Mr. Plunkett was a member of the Irish House of Parliament previous to the union? A. He was.

Q. Did he speak on questions relative to the union between Great-Britain and Ireland? A. Yes; he did.

Q. Do you recollect any of the expressions or arguments he made use of in the course of those debates?

LORD ELLENBOROUGH. It would be a breach of his duty and his oath, to reveal the councils of the nation. !!!

MR. ADAM. Q. What are your reasons for believing that Mr. Plunkett is not the person meant by the latter part of the passage? A. I said, that, taking the whole context, I should suppose Mr. Plunkett to be the person meant; but, taking the sentence just read, I should not suppose it was him.

The evidence being closed on the part of the Plaintiff, Mr. Lowten read the passages in the Political Register complained of in the declaration; after which,

MR. ADAM rose and addressed the Court as follow:—*My Lord, and Gentlemen of the Jury*,—The task now devolves on me to occupy a portion of your attention. My learned friend, in his address to you, has made repeated allusions to the proceedings which took place on a former day. He tells you, that he observes the name of the same jury on the pannel, and that he sees the same faces in the box. Gentlemen, I am not, indeed, acquainted, like my learned friend, with your persons; but I know the uprightness of your minds; I know in general the upright character of an English jury; I know your powers of distinguishing between a civil action for the purpose of damages, and a criminal prosecution. I know too, gentlemen, that you are capable of feeling the grand and leading distinction, that in an action for personal damages, the defendant is capable of justifying his conduct. My learned friend has endeavoured to inflame your minds by adverting to the present state of Ireland, and by repeated allusions to the trial on a former day, with which the present action has no connexion whatever. With respect to that trial, you are bound to blot from your memories all recollection of it, to divest yourselves of all prejudices, to try this action with free and unfettered minds, and to consider, as my Lord Kenyon used to say, only what is within the four corners of the record. It is not a

libel on my Lord Hardwicke which you have now to try; it is not a libel upon my Lord Redesdale; it is not a libel upon Mr. Justice Osborne, or Mr. Secretary Marsden; but it is, as I before informed you, a civil action for the purpose of damages. My learned friend, with that power of calling up images which he possesses in so eminent a degree, has called up the departed spirits of Mr. Burke and the great Earl of Chatham. He has reminded you of the lines made use of by that noble lord, when speaking of America;

"Be to her virtues ever kind,

"Be to her faults a little blind,

"And clap the padlock on the mind."

Gentlemen, I beg you will transpose these lines, and apply the two first to the defendant, Mr. Cobbett:

"Be to his virtues ever kind,

"Be to his faults a little blind,"

and "clap the padlock on your minds," as to the inflammatory effects of those parts of my learned friend's speech, which have no connexion with the subject before you.—Gentlemen, in any thing I am about to say, I beg you will not suppose for one moment, that I am not an enemy to all professed libellers. I can honestly exclaim with the poet

"Curs'd be the verse, how smooth soe'er it flow,

"That tends to make one virtuous man my foe."

And if I express myself in any way that can be construed into a justification of what has been written and published, I entreat that you will not clothe my client with that blame, and that you will not, from any want of art or ability on my part, visit him therefore with an increase of damages.—There is another point which I think I have a right to complain of in my learned friend's address to you. He has spoken very highly of Mr. Cobbett as a public character, and has made use of the evidence produced on the former trial in favour of the Defendant, in order to enhance the damages against him. This I am sure you will not suffer to enter into your consideration.—I hope I shall be able to convince you, that now, when the settled state of Ireland renders a repetition of those animadversions on the government, which have been so long suffered with impunity, unnecessary, it would be an act of severity, if the Defendant, who is the last person who has fallen into the snare, should be visited with a vindictive verdict. With respect to the amount of damages, (for some damages, I admit, you must give,) I earnestly entreat you to consider, that Mr. Cobbett is a man virtuous in

private life, that he is the father of a numerous family and the husband of an amiable wife, and that he is a person who maintains himself, not by ribaldry in his writings, for those writings are uniformly characterized by an honest zeal in defence of the aristocracy of this country, as well as the other component parts of its government. He left his father's house when he was hardly eighteen years of age; since which time he has been the successful champion, and almost sole defender of the rights of this country, in America. At the moment I am speaking, he is several years under the age of forty, and consequently cannot be supposed to have obtained that independence which would not make the heavy damages which my learned friend wishes to wring from you, but which I am sure he will not wring from you, worse than the severest sentence ever inflicted on any person convicted of the grossest libel. If you were to measure them in the proportion my learned friend calls upon you to measure them, you would doom him to an eternal imprisonment; you would doom him to that situation, to which it never was meant, and never will be meant by an English jury, that any man should be subjected by the consequences of a civil action.—My learned friend says, that this action was brought, in order to shew the falsehood of the libel. Gentlemen, I have the best authority for saying, that the Defendant never entertained the idea of justifying this libel. It was impossible for him to justify it. For, in order to have satisfied your minds, we must have produced that testimony from which we are shut out by the established laws and usages of parliament. The Bill of Rights expressly says, that no words uttered in parliament shall be ~~heard~~ any where but in parliament. When, therefore, you are considering that you are called upon to pronounce a verdict of damages high in their nature, and completely ruinous to Mr. Cobbett, if you should pronounce it, I humbly submit, gentlemen, that you will not throw out of that consideration the situation in which the Defendant is thereby placed.—Gentlemen, there were other topics in the speech of my learned friend, of which I have a right to complain, but he knows I am not in the habit of complaining. I will therefore give over my complaints, and come to the other points upon which he has so eloquently descanted. He has called your attention to the Whig Club, to his Grace the Duke of Norfolk, and to another great and illustrious character, Mr. Fox. Most undoubtedly, it is true, that that illustrious

character was struck by his Majesty's command, out of the list of Privy Council. But, gentlemen, this is not all. My learned friend has stated another circumstance. He has told you at the same time, that the present Chancellor of the Exchequer, who counselled and advised his Majesty so to do, has since advised him to call that illustrious character to the cabinet, and thereby to strike his name in again. If Mr. Fox had thought proper to bring an action against Mr. Cobbett or any other person, I should have said to him, you are not injured by what has been done, but are even thought a proper person to form part of his Majesty's government. Gentlemen, *mutato nomine*, the case applies to the Plaintiff in the present action. Were you to give one fourth, nay, one twentieth part of the sum at which the Plaintiff has thought proper to lay his damages, it would produce the effect upon my client which I have already stated. Gentlemen, this is a grave question. You have already pronounced a verdict which applies to the whole criminality of the case. Mr. Cobbett has been pronounced guilty, not only of the other parts of the publication, but of this very part also. And, if it be unfair to hold up a civil action to criminal punishment, I submit that it would be more especially so in the present case. I, therefore, have every reason to hope, on the part of the character of the Defendant, on the part of the wife and children of the Defendant, on the part of the fortune of the Defendant, that you will be lenient towards him, and that you will not, by excessive damages, doom him to perpetual imprisonment.—My learned friend has treated Mr. Cobbett as the author of this libel, which he represented to you as written with all the nerve and energy which characterizes that gentleman's publications. On the other hand, Mr. Attorney-General the other day, gave you to understand, that he had reasons for believing it was not written by Mr. Cobbett. Now, let us examine a little what the nature of this libel is; and, in what I am about to say, I shall state to you a plain unvarnished tale. I acknowledge the intendoes to have been fully proved, and therefore what I have to discuss relates generally to the libel itself. It says, "from a rare modesty of nature, or from a rare precision of self-knowledge, Lord Kenyon would have acted with reserve and circumspection, on his arrival in a country, with the moral quality of the inhabitants of which, and with their persons, manners, and individual characters and connexions, he must have been utterly un-

"acquainted. In such a country, torn with
 "domestic sedition and treason, threatened
 "with foreign invasion, and acting, since
 "the union, under an untried constitution."
 —Now let us stop here for a moment and
 recollect, that in this sentence there is no-
 thing that can be construed into a libel upon
 the constitution of Ireland, but directly the
 reverse. It goes on to say, "if Doctor
 "Addington had required that Lord Ken-
 "yon should direct a Cambridgeshire earl
 "in all his councils," Lord Kenyon would
 "as soon, at the desire of Lord St. Vincent,
 "have undertaken to pilot a line of battle
 "ship through the Needles." And then it
 comes to that part which is the ground work
 of the present action: "that viper! whom
 "my father nourished! he it was from
 "whose lips I first imbibed those principles
 "and doctrines, which now by their effects
 "drag me to my grave." Now, gentlemen,
 I entreat you to notice and consider the
 connexion which this passage has with the
 other parts of the libel, and, having done so,
 I am persuaded you will be of opinion with
 me, that it must have been used in a figura-
 tive manner. It then states, "Of Lord
 "Kenyon, therefore, (Cambricus must well
 "know) it never could have been believed,
 "that he himself would lead such a character
 "forward, introduce him to the favour of a
 "deceived Sovereign, clothe him in the
 "robes and load him with the emoluments
 "of office. Lord Kenyon must have
 "known, that a noble duke, for having
 "toasted at a drunken club, in a common
 "tavern, to a noisy rabble, "the sovereignty
 "of the people," was struck by his Majesty's
 "command out of the Privy Council, and
 "deprived of all his offices both civil and
 "military. If, therefore, any man were to
 "be found who not at a drunken club, or to
 "a brawling rabble, but in a grave and
 "high assembly, not in the character of an
 "inebriated toast-master, but in that of a
 "sober constitutional lawyer, had insisted
 "on the sovereignty of the people, as a first
 "principle of the English law, and had de-
 "clared, that by law an appeal lay from the
 "decision of the tellers of the Houses of
 "Parliament, to that of the "tellers of the
 "nation;" and that if a particular law
 "were disagreeable to the people, however
 "it might have been enacted with all royal
 "and parliamentary solemnity, nevertheless
 "it was not binding, and the people, by the
 "general law, were exempted from obe-
 "dience to such a particular law, because
 "the people were the supreme and ultimate
 "judges of what was for their own benefit:
 "Lord Kenyon, if he had been Chancellor

"in any kingdom of Europe, would have
 "shrunk from recommending any such man
 "to the favour of a Monarch, while there
 "yet remained a shadow of monarchy vi-
 "sible in the world." Now, gentlemen,
 this part of the question relates to a circum-
 stance, the particulars of which, we have
 been prevented, by the established law of
 Parliament, from diving into; nor do I wish
 to bring it forward in this place; but I
 have a right to state, that if any person
 should have printed, so far back as the year
 1799, a speech importing to be a speech
 made by the Plaintiff, Mr. Plunkett, and if
 it should appear that the passage I have just
 read to you is an exact copy of a passage in
 that speech, I submit, that this is a case ex-
 tremely favourable to my client. My learn-
 ed friend in the course of his speech has
 alluded to me. Let me also in my turn beg
 leave to allude to him. Suppose in a lecture
 room he had insisted on the sovereignty of
 the people as a first principle of the English
 law, and have declared, that by law an ap-
 peal lay from the decision of the tellers of
 the Houses of Parliament, to that of the
 tellers of the nation; what species of moral
 offence would it have been to have said that
 he was an improper person to become the law
 officer of the crown? Were would have
 been the moral crime in publishing that my
 learned friend had made use of those ex-
 pressions? And more; if it could be
 proved, that those expressions had been
 published and attributed to him in news-
 papers and in pamphlets from the year 1800
 up to the present year 1804, and that he had
 never called upon any of those publishers
 for an explanation, what sort of damages,
 I ask, would you have given to my learned
 friend? Having said this, let me read to
 you the infamous libel attributed to Mr.
 Plunkett. It is stated in this book, purport-
 ing to be a collection of speeches on the
 union, that, in the Irish House of Com-
 mons, on the 22nd of June 1799, Mr.
 Plunkett made use of these words, "I, in
 "the most express terms deny the compe-
 "tency of Parliament to do this Act,"
 (meaning the Act of Legislative Union be-
 tween the two countries.) "I tell you
 "that if, circumstanced as you are, you pass
 "this Act, it will be a mere nullity, and
 "that no man in Ireland will be bound to
 "obey it. I make the assertion deliberate-
 "ly, I repeat it, and I call on any man who
 "hears me to take down my words—"

Mr. ERSKINE. I submit to your lordship
 that this sort of evidence is perfectly inad-
 missable.

Lord ELLENBOROUGH. Altogether so,

and when I come to address the Jury, I shall certainly take occasion to remind them that they must discharge it totally from their recollection.

Mr ADAM. I feel a considerable degree of embarrassment at this interruption. I did not interrupt my learned friend when he was impressing your minds with the idea that Mr Cobbett was the author of this libel.—Gentlemen, the point on which I was addressing you was this, that if such words have been attributed to Mr. Plunkett, I was submitting to you, that after five years of silent acquiescence on the part of Mr. Plunkett, after suffering the expressions here attributed to him to be sent to every corner of the kingdom in the form of newspapers and of pamphlets, it would be an extremely hard case to inflict severe damages upon Mr. Cobbett for the mere republication of them.

Lord ELLENBOROUGH. I have no objection to your stating this as matter of supposition, but, in the shape of evidence, it cannot possibly be admitted.

Mr ADAM. My Lord, I was just about to state, that I did not mean to proceed further into the detail of this subject. Gentlemen, I wish you to consider in what state this cause stands, and what the circumstances are which entitle my learned friend to demand such excessive damages. I have stated to you the situation of Mr. Cobbett and that of his family, and I trust I have done it with decorum. With regard to the Plaintiff, Mr. Plunkett, you have it in evidence, that he was his Majesty's Solicitor-General in Ireland at the time of the publication, and you also have it in evidence, that he is still in the confidence of the Irish government; but you have no evidence, that any step whatever has been taken to remove him from the situation which he enjoys. Has he received any injury by the publication? Is he not still his Majesty's Solicitor-General? Is he not still in the high career to honours and emoluments? I ask then, as my learned friend has not produced one single circumstance to prove to you that Mr. Plunkett has been injured by the publication in question,—I ask, I say, whether, under all these circumstances, this is a case which calls for those excessive damages which my learned friend has entreated you to give? Gentlemen, you have already passed a verdict of guilty upon the information for public criminality. You are now considering an action for private damages. Mr. Plunkett has received redress as to the former, and if you should find, as I suppose you will find, the Defendant guilty, (as no

justification whatever has been attempted,) he will have a further opportunity of shewing to the world, that Mr. Cobbett never attempted to justify the truth of it, that he did not wait to consult counsel, but took his immediate determination to enter no justification upon the record. Gentlemen, I submit that, under these circumstances, you must quit the box before you pronounce a verdict of damages. Let those damages be ever so low, that verdict will be sufficient to establish, that Mr. Plunkett has completely vindicated his character, and will shew to the world, that what was alleged against him was untrue. Gentlemen, I am persuaded that the Plaintiff does not come here to take out of the pocket of Mr. Cobbett a sum, which would not enrich him, but make Mr. Cobbett poor indeed. Gentlemen, I shall not trouble you with any farther observations, but shall conclude with expressing my firm reliance, that you will not inflict a punishment beyond what the justice of the case requires.

LORD ELLENBOROUGH.—Gentlemen; this is an action for reparation in damages for a civil injury done to Mr. Plunkett, the Solicitor General of Ireland, by the publication of a libel, with the contents of which you have been made fully acquainted. The defendant's counsel has admitted, that the preliminary proof has been adduced, and no justification appears on the record. The only question, therefore, for your consideration is, the quality of the libel, and the measure of damages you will give in the exercise of your sound discretion. You will lay out of your consideration the antecedent matter of the criminal trial, on which the Defendant has been convicted. This is an action for the injury done to the fair fame of an individual, and to ascertain the damages to which he is entitled. That which gave the public a title to reparation, ought not, however to operate to the abridgement of the right of a particular individual who complains of a private injury. It will be for you to consider carefully the circumstances of the case and the malignity of the libel, and to say, what reparation in damages the plaintiff ought to receive. These damages are not to be reduced by the poverty of the defendant, if he is poor, nor increased by his wealth, if he is rich; but are to be ad-measured by the size and magnitude of the injury done to the Plaintiff. The only way of measuring the extent of the injury done to a man's fame is, by asking yourselves, what would make my mind and my feelings an adequate compensation if such a libel as this were true? (That it is not true is ad-

mitted.] If it were true, it would have been open to the Defendant to have justified it on the record. If a man thinks proper to assert that which it is difficult to prove, or represent that which cannot be revealed, they are difficulties of his own creating, and the libel must go forth accredited or discredited, according to the circumstances. But, gentlemen, as to the first part of the libel, I take the principle *gravamen* of the injury to lie in that passage which commences with the words, "that viper whom my father nourished!" To this passage I am desirous of drawing your particular attention; and, really, it seems hardly possible to depict a person in more odious colours than are here employed, I would ask, what could give more pain to a virtuous mind, than to insinuate that he had acted like our common enemy, "the seducer 'ere the accuser of mankind;" that he had first seduced and afterwards destroyed whom he had first corrupted; that he had instilled into the mind of Mr. Emmett, the son of his friend, principles of disloyalty and rebellion, and had afterwards, not in the ordinary exercise of his duty, but "with a speech to evidence" wantonly lashed the man to whom he was under family obligations, and who was the pupil of his own education? It appears to me hardly possible to depict any one under more odious colours. It matters not whether the defendant be the author or only the publisher and adopter of another man's malignity. If he chooses to send it into the world, he is criminal and guilty, and is liable to all the consequences. Leaving the other parts of the libel out of the question, I shall shortly call your attention to that part which relates to the plaintiff. It says, "if any one man could be found, of whom a young but unhappy victim of the justly offended laws of his country had, in the moment of his conviction and sentence, uttered the following apostrophe — "That viper! whom my father nourished!" Is it possible to state any thing more detestable, than that a person, who had been nourished by the father of a man who had rendered himself amenable to the infliction of the law, should insult and sting his son to death? He it was from whose lips I first imbibed those principles and doctrines, which now by their effects drag me to my grave; and he it is who is now brought forward as my prosecutor, and who, by an unheard-of exercise of the prerogative, has wantonly lashed with a speech to evidence the dying son of his former friend, when that dying son had produced no evidence, had made no defence; but,

"on the contrary, had acknowledged the charge, and had submitted to his fate. — Lord Kenyon would have turned with horror from such a scene, in which, although guilt was in one part to be punished, yet, in the whole drama, justice was confounded, humanity outraged, and loyalty insulted." Gentlemen, this is the part which particularly presses on my mind. As to the language which the plaintiff may be supposed to have held in the Irish House of Parliament, it might, if true, render him unfit for recommendation to his Majesty — it might be improper. This, however, the defendant has not attempted to justify. But it is the other part of the libel, containing the most bitter and acrimonious observations that can possibly be made use of, to which I wish to confine your attention. Consider what situation Mr. Plunkett is in. He holds an office at all times and in all countries of an invidious nature; that of a public prosecutor, whose denunciations may probably terminate in the death of the criminal. The libel states, "that such a scene was acted as Lord Kenyon would have turned away from with horror; a scene, in which, although guilt was in one part to be punished, yet, in the whole drama, justice was confounded, humanity outraged, and loyalty insulted." To say of a public officer of the crown, that he has acted in such a scene, is to imply that he is forgetful of every principle of justice, and is placing him in the lowest possible state of degradation. These, gentlemen, are the circumstances of this case. It is for you to say, without considering the capacity of the defendant as to his wealth or poverty, what reparation the plaintiff is entitled to receive from the justice of his country. Whatever you may determine upon, I have no doubt they will be such as ought to satisfy the party aggrieved; and, with these few observations, I leave the decision in the hands of those to whom, by the constitution, it is solely referred.

The Jury retired for about twenty minutes, and returned with a verdict for the Plaintiff—Damages £500.

LOYALTY OF THE IRISH CATHOLICS.

(Concluded from p. 863.)

During the tragical scenes of Wexford, he extended his protection to persons of all denominations, however differing in religious belief, to Protestants, Presbyterians, and Quakers; he exhausted his strength in speaking, pleading, and entreating in behalf of the unfortunate persons, who were seized by the rebels. All

this was done at the hazard of his own life; when he was surrounded by four or five thousand ruffians armed with pikes, and was continually assailed with threats and denunciations of vengeance. It was by the most earnest and unremitted endeavours from nine o'clock in the morning till eight at night that he saved the life of Lord Kingsborough.—It is true he appeared publicly in the streets, with the utmost confidence, but was frequently stopped, at every step, to receive the thanks and congratulations of Protestants, for having saved them. (See Plowden *ibidem* pp. 750, 751.) Jackson a Protestant was rescued from the fury of the rebels, by the interposition of the clergy, and the account which he gives of their meritorious conduct, is too remarkable not to be inserted. “The conduct of the Roman Catholic clergy of Wexford cannot be too much commended. The titular Bishop Caulfield, Father Corrin, Father Broe, and indeed the whole of the priests and friars of that town, on all occasions, used their interests, and exerted their abilities in the cause of humanity. Every Sunday after mass, they addressed their audiences, and implored them in the most earnest manner not to ill-treat their prisoners, and not to have upon their consciences the reflexion of having shed innocent blood. When they heard of executions going forward, they fled to the spot, and by every entreaty endeavoured to rescue the victims from destruction. Sometimes they succeeded; and when they failed, they shewed sufficiently, how sensibly they felt for the unhappy persons they could not save. The gallant Lord Kingsborough owed his life to the resolute interposition of the Catholic bishop.” (*Ibidem* p. 756.) This explicit declaration of Jackson is an ample refutation of the assertions of Sir Richard Musgrave, on the subject of Dr. Caulfield and the clergy of Wexford. If the smallest doubt respecting the innocence of this respectable and much injured prelate, still remains on the minds of any of my readers, I beg leave to refer to two official documents, which place the matter beyond the reach of controversy. After the rebellion had subsided, and the appearance of Sir Richard Musgrave's history had raised considerable prejudice against Dr. Caulfield, Colonel Littlehales was directed by the Lord Lieutenant to inform Dr. Troy

that government would give Dr. Caulfield that protection which from his conduct and character, as a loyal subject, he appears justly to merit. The letter of Lord Cornwallis' secretary is dated May 11th, 1800. The same gentleman tells Dr. Troy in another letter dated June 30th, 1800, that he had laid his letter with the enclosure from Dr. Caulfield before the Lord Lieutenant who desired him to say that *his Excellence has no cause whatsoever to alter the opinions he has imbibed of the loyalty and proper deportment of Dr. Caulfield.* To this honourable testimony in favour of the Catholic Bishop of Ferns, it would be an insult to the understanding of my readers to add any comment. (See the two letters, Plowden, *ibidem*, pp. 744 and 745.)—The ridiculous charge against a bishop of distributing ready made absolutions for murders to be committed deserves not a serious refutation.—The passage to which your correspondent alludes in Dr. Hussey's pastoral letter he appears not to understand; I recommend it to his perusal a second time, and he will find that his apprehensions of the *vast rock* exist only in his own imagination. The language of the bishop is strongly figurative; and in plain English he means to say that all attempts to resist the total repeal of the popery laws are unavailing, and that the opposers of this measure will be crushed by the weight of an opposite party in a fair and legal contest.—Having thus, Sir, closed my remarks on every part of your correspondent's letter, I now beg leave to refer the decision of the affair to his own judgment. Can he with any confidence suppose, that he has made good his charge of disloyalty against the Catholics of Ireland? Can he for a moment imagine that his pretended proofs from councils, decrees and rules carry with them the smallest weight? However partial he may be to his own cause, he must be constrained by the evidence of facts to acknowledge that he has miscarried in what he is pleased to term the defence of Lord Redesdale.—The observations, with which he closes his letter demand some reply. He remarks that during the last 60 years many laws have been enacted in favour of Roman Catholics and none against them. Does not this statement prove that the government of the country entertains a more favourable idea of the principles of Catholics, than the author of the singular letter under consideration? And if the loyalty of

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the Catholics has thus attracted the attention of government, what prevents the completion of the work so well begun? What obstructs the execution of a great plan so necessary to consolidate the late union, and to promote the general harmony of the empire? His assertion that Catholics are restrained from nothing but power is contrary to fact. To say nothing of their exclusion from every emolument and office in the state, every post of any consequence in the army and navy, at a time when the energy of the whole empire should be exerted, there are penal laws of an odious nature still in force. Such are those which regard relapsing papists, and those which debar the bravest defenders of the country from a free and uncontrolled exercise of their religion.—Here, Sir, I beg leave to close my letter, with my last advice to your correspondent to weigh well his own strength, before he commits any further observations to the censure of the world.—THE BRITISH OBSERVER.

EMPEROR OF THE FRENCH.

On the 18th of May, the Senate, under the Presidency of Cambaceres, decreed the organic *Senatus Consultum*, which confers the title of Emperor on the First Consul, and establishes the Imperial Dignity hereditary in his family. It instantly decreed, that the members should immediately repair to St. Cloud, to present the organic *Senatus Consultum* to the Emperor. They set out after the close of the sitting, accompanied by several bodies of troops.—The Senate, on its arrival, being immediately admitted to an audience of the Emperor, the Consul Cambaceres, the President, presented the organic *Senatus Consultum* to the First Consul, and spoke as follows:—

“Sire,—The decree which the Senate has passed, and which it takes the earliest opportunity of presenting to your Imperial Majesty, is only the authentic expression of a will already manifested by the nation. This decree, which confers on you a new title, and which after you secures the dignity hereditary to your race, adds nothing either to your glory or to your rights. The love and gratitude of the French people have, for four years, entrusted to your Majesty the reins of government, and the constitutions of the state reposed in you the choice of a successor. The most august denomination, decreed to you, is then only a tribute which the nation pays to its own dignity, and to the necessity it experiences of giving you daily testimonies of respect and of attachment, which every day in-

crease.—How could the French people find bounds to its gratitude, when you place none to your care and solicitude for it? Preserving the remembrance of the evils which it suffered when abandoned to itself, how could it reflect without enthusiasm on the happiness it has experienced, since Providence inspired it with the idea of throwing itself into your arms? Its armies were defeated; its finances were in disorder; public credit was annihilated; factions were disputing for the remains of our ancient splendor; every idea of morality, and even of religion, was obscured; the habit of giving and resuming power, left the magistrates without consideration, and even rendered odious every kind of authority. Your Majesty appeared; you recalled victory to our standards; you established order and economy in the public expenses; the nation, encouraged by the use you made of your authority, resumed confidence in its own resources; your wisdom allayed the rage of party; religion saw her altars raised up; ideas of justice and injustice were awakened in the minds of the citizens, when they saw crimes followed by punishment, and virtue signalized and rewarded with honourable distinctions. In the last place, and it is no doubt the greatest of the miracles operated by your genius, that people, whose civil effervescence had rendered them impatient of every restraint, and hostile to every authority, were by your means made to cherish and respect a power which was exercised only for their glory and repose.—The French people do not pretend to establish themselves judges of the constitutions of other states; they have no critical remarks to make; no examples to follow; experience in future will become their guide. They have tasted for ages the advantages attached to hereditary power; they have made a short but painful trial of the contrary system; they return by the effect of free and mature deliberation to a path suited to their genius. They make a free use of their rights, to delegate to your Imperial Majesty a power which your interest forbids you to exercise by yourself. They stipulate for future generations, and by a solemn compact entrust to the offspring of your race, the happiness of their posterity. The latter will imitate your virtues, the former will inherit our love and our fidelity. Happy the nation which, after so much trouble and uncertainty, finds in its bosom a man worthy of appeasing the tempest of the passions, of conciliating all interests, and uniting all voices! Happy the Prince who holds his

power by the will, the confidence, and the affection of the citizens!—If it be in the principles of our constitution, and already several examples of this kind have been given, to submit to the sanction of the people that part of the decree which concerns the establishment of an hereditary government; the Senate have thought that it ought to entreat your Imperial Majesty to consent that the organic dispositions should be immediately carried into execution; and that, for the glory as well as the happiness of the Republic, Napoleon may be immediately proclaimed Emperor of the French."

The Emperor replied in the following terms:

"Every thing that can contribute to the good of the country is essentially connected with my happiness. I accept the title which you think necessary to the glory of the nation. I submit to the sanction of the people the law of hereditary succession. I hope France will never repent of its having surrounded with honours my family. In all cases my spirit will cease to be present with my posterity, the day on which it shall cease to deserve the love and confidence of the great nation."

The Senate being then admitted to an audience of her Majesty the Empress, the Consul Cambaceres, the President, said:

"Madam,—We have just presented to your august spouse the decree which confers on him the title of Emperor, which establishes the government hereditary in his family, and associates future generations in the happiness of the present race.—A very agreeable duty remains to be performed by the Senate—that of offering to your Imperial Majesty the homage of its respect, and an expression of the gratitude of the French.—Yes, Madam, fame proclaims the good which you are continually doing; it says, that being always accessible to the unfortunate, you employ your influence with the chief of the state only to relieve distress, and that to the pleasure of obliging, your Majesty adds that amiable delicacy which renders gratitude sweeter and the kindness more valuable.—This disposition presages, that the name of the Empress Josephina will be the signal of consolation and of hope, and as the virtues of Napoleon will always serve as an example to his successors, to teach them the art of governing nations; the living remembrance of your goodness, will teach their august consorts that the care of drying up tears is the most effectual means of preserving an empire over all hearts.—The

Senate thinks itself happy in the opportunity of being the first to salute you Empress, and he who has the honour of being its organ, takes the liberty to hope that you will deign to reckon him among the number of your most faithful servants."

The Organic Senatus Consultum was then proclaimed by the Emperor.—His Imperial Majesty nominated to the dignity of Grand Elector, his Imperial Highness, Prince Joseph Buonaparté; to that of Constable, his Imperial Highness Prince Louis Buonaparté; to that of Arch-Chancellor of the Empire, the Consul Cambaceres; and to that of Arch-Treasurer, the Consul Lebrun.—The Arch-Chancellor of the Empire, the Arch-Treasurer, and Constable, took the oaths in the presence of the Emperor.—The Arch-Chancellor of the Empire presented the Ministers and Secretary of State, who took the oaths before the Emperor.—The Constable then presented Generals d'Avoust and Bessieres, as well as General Murat, Governor of Paris.—The Arch-Chancellor of the Empire presented also General Duroc, Governor of the Imperial Palace, who took the oath.—His Imperial Majesty then addressed to Consuls Cambaceres and Lebrun the following letter:

"Citizen Consul Cambaceres,—Your title is about to be changed; but your functions and my confidence remain the same. In the high dignity of Arch-Chancellor, with which you are going to be invested, you will manifest, as you have done in that of Consul, the wisdom of your counsels, and those distinguished talents which have given you so important a share in all the good that I can have done.—I have nothing therefore to request of you but the continuation of the same sentiments for the state and for me. NAPOLEON."

Done at the Palace of St. Cloud,

28 Floreal, Year 12, (May 18,

1804).

On the 20th of May the following Decree was made by the Emperor:

Napoleon, Emperor of the French, decrees the following Generals to be Marshals of the Empire:—Berthier, Murat, Moncey, Jourdan, Massena, Augereau, Bernadotte, Soult, Brune, Lannes, Mortier, Ney, Devoust, Bessieres.—The title of Marshals of the Empire to be given to the following Senators:—Kellerman, Lefebvre, Perignon, Serrurier. (Signed) NAPOLEON.

Done at St. Cloud, &c. &c. &c.

The French Princes and Princesses are to be addressed by the title of their Imperial Highnesses; and the Sisters of the Emperor

are to enjoy the same dignity. The Great Officers of the Empire are to receive the title of their Serene Highnesses, and they, as well as the Princes, are to be addressed "Monseigneur."—The High Officers of the Empire are to wear the same dress as that of Consuls; but they are to appear in a particular costume upon great occasions.—The Secretary of State has the rank of a Minister; and all the Ministers will have the title of "their Excellencies." The Functionaries of the Departments, and all those who present petitions, are to address them by the title of "Monseigneur." The President of the Senate will receive the title of "his Excellency." The Marshals of the Empire are to be called "Monsieur le Marshal;" and when spoken to, or addressed in writing, they are to have the title of "Monseigneur."

Organic Senatus Consultum extracted from the Register of the Conservative Senate. Floreal, Year 12.—May 18, 1804.

The Conservative Senate, assembled to the number of members prescribed by the 90th article of the Constitution, having seen the project of the Senatus Consultum drawn up according to the 57th article of the Organic Senatus Consultum, dated Thermidor 16, year 10, and after having heard on the motives of the said project the Orators of Government, and the report of its Special Commission, nominated in the sitting of the 26th of this month, and having deliberated on the adoption of it, to the number of voices prescribed by the 56th article of the Organic Senatus Consultum, of the 16th of Thermidor, year 10, decrees as follows:—

TITLE I.

ART. 1. The Government of the Republic shall be entrusted to an Emperor, who assumes the title of Emperor of the French.—Justice shall be administered in the name of the Emperor by officers whom he shall appoint.—2. Napoleon Buonaparté, now First Consul of the Republic, shall be Emperor of the French.

TITLE II.—OF HEREDITAMENT.

3. The imperial dignity is hereditary, in the direct, natural, and legitimate descent of Napoleon Buonaparté, from male to male, by order of primogeniture, and to the perpetual exclusion of females and their descendants.—4. Napoleon Buonaparté may adopt the children or grand-children of his brothers, provided they have attained the age of eighteen years complete, and that he himself have no male heirs at the time of adoption. His adopted sons enter into the line of his direct descent. If he has any

male children posterior to adoption, his adopted sons can succeed only after the natural and legitimate descendants. Adoption is interdicted to the successors of Napoleon Buonaparté, and to their descendants.—5. Failing a natural or legitimate heir, or adopted heir of Napoleon Buonaparté, the imperial dignity shall devolve to and be conferred on Joseph Buonaparté and his natural and legitimate descendants, in the order of primogeniture, to the perpetual exclusion of females and their descendants.—6. Failing Joseph Buonaparté and his male descendants, the imperial dignity shall devolve to and be conferred on Louis Buonaparté and his natural and legitimate descendants, in the order of primogeniture, from male to male, and to the perpetual exclusion of females and their descendants.—7. Failing a natural and legitimate heir, or adopted heir of Napoleon Buonaparté, failing a natural or legitimate heir of Joseph Buonaparté and his male descendants, of Louis Buonaparté and his male descendants, an Organic Senatus Consultum, proposed to the Senate by the titularies of the great dignitaries of the Empire, and submitted to the acceptance of the people, shall nominate the Emperor, and regulate in his family the order of hereditament, from male to male, to the perpetual exclusion of females and of their descendants.—8. Until the moment of the election of the new Emperor, the affairs of the state shall be governed by the Ministers, who shall form in Council the Government, and who shall deliberate by a majority of voices. The Secretary of State shall keep a journal of the deliberations.

TITLE III.—OF THE IMPERIAL FAMILY.

9. The Members of the Imperial Family in the order of hereditament shall bear the title of French Princes. The eldest son of the Emperor shall be styled Imperial Prince.—10. The mode of education for the French Princes shall be regulated by a Senatus Consultum.—11. They are Members of the Senate and of the Council of State, when they have attained to their eighteenth year.—12. They cannot marry without the consent of the Emperor. The marriage of a French Prince without the consent of the Emperor, incurs the privation of all right of inheritance both for the individual who has contracted it, and for his descendants.—13. The acts which attest the birth, the marriages, and deaths of Members of the Imperial Family, shall be transmitted, by order from the Emperor, to the Senate, who shall order them to be inscribed in their journals, and deposited among their archives.—14. Napoleon Buonaparté shall

establish, by statutes to which his successors are bound to conform, 1st. The duties of the individuals of both sexes, who are members of the Imperial Family towards the Emperor: 2d. An organization of the Imperial Palace, conformably to the dignity of the throne, and the grandeur of the nation. — 15. The civil list remains regulated in the same manner as it was by the 1st and 4th articles of the decree of May 26, 1791. — The Princes Joseph and Louis Buonaparté, and, in future, the younger natural and legitimate sons of the Emperor, shall be treated agreeably to the articles 1, 10, 11, 12, and 13 of the decree of December 21, 1790. The Emperor may fix the jointure of the Empress, and refer it to the Civil List. His successors can introduce no change in the dispositions made in this respect. — 16. The Emperor shall visit the departments: Imperial palaces shall therefore be established in the four principal points of the empire. These palaces shall be fixed, and their dependencies established by a law.

TITLE IV.—OF THE REGENCY.

17. The Emperor is a minor till the age of eighteen years complete; during his minority there shall be a Regent of the Empire. — 18. The Regent must be at least twenty-five years of age, complete; females are excluded from the Regency. — 19. The Emperor chooses the Regent from among the French Princes who have attained to the age prescribed by the preceding article; and failing them, from among the titularies of the great dignities of the Empire. — 20. Failing designation on the part of the Emperor, the Regency shall devolve to the Prince nearest in degree in the order of inheritance, who has attained to 25 years complete. — 21. In cases where the Emperor has not chosen the Regent, if none of the French Princes have attained to the age of 25 years complete, the Senate shall choose the Regent from the titularies of the great dignities of the Empire. — 22. When, on account of the minority of a Prince called to the Regency in the order of inheritance, it has been conferred on a more distant relation, or on one of the titularies of the great dignities of the Empire, the Regent who has entered on the exercise of his functions, shall continue them till the majority of the Emperor. — 23. No organic *Senatus Consultum* can be passed during the Regency, nor before the end of the third year after the majority. — 24. The Regent shall exercise, till the majority of the Emperor, all the attributes of the Imperial dignity: he cannot, however, create or raise to the great dignities of the great

officers which may be vacant at the period of the Regency, or which may become vacant during the minority, nor use the prerogative reserved for the Emperor of raising citizens to the rank of Senator. He cannot dismiss either the Grand Judge or the Secretary of State. — 25. He is not personally responsible for the acts of his administration. — 26. All Acts of the Regency are in the name of the Emperor under age. — 27. The Regent can propose no project of a law or *Senatus Consultum*, and can adopt no regulation of public administration, until he has consulted the Council of Regency, composed of the titularies of the great dignities of the Empire. He cannot declare war or sign treaties of peace, alliance, or commerce, until after deliberation in the Council of Regency: the members of which in this case only have a deliberative voice. The decision shall be by a majority of voices, and if there be an equality that of the Regent shall determine it. The Minister of Foreign Relations shall have a seat in the Council of Regency, when the Council deliberates on affairs relating to his department. The Grand Judge, Minister of Justice, may be called to it by order of the Regent. The Secretary of State shall keep a journal of the deliberations. — 28. The Regency can confer no right on the person of the minor Emperor. — 29. The salary of the Regent is fixed at a fourth amount of the civil list. — 30. The care of the minor Emperor is entrusted to his mother, and, failing her, to the prince chosen for that purpose by the predecessor of the minor Emperor. Failing the mother of the minor Emperor, and a prince chosen by the Emperor, the Senate shall entrust the care of the minor Emperor to one of the titularies of the great dignities of the Empire. Neither the Regent, nor his descendants or females, can be chosen to take charge of the minor Emperor. — 31. In case Napoleon Buonaparté shall use the faculty conferred on him by the 4th Article of Title II. the act of adoption shall be performed in the presence of the titularies of the grand dignities of the Empire; shall be received by the Secretary of State, and immediately transmitted to the Senate to be inscribed in the Journals, and deposited among the archives; when the Emperor nominates either a Regent for the minority, or a Prince to take charge of the minor Emperor, the same formalities shall be observed; the act of nomination, either of a Regent for the minority, or a Prince to take charge of the minor Emperor, are revocable, at the pleasure of the Emperor; every act of adoption, nomination, or revocation of a nomination, which has not been



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inscribed in the Journals of the Senate, before the death of the Emperor, shall be null and void.

TITLE V.—OF THE GREAT DIGNITIES OF THE EMPIRE.

32. The Grand Dignities of the Empire, are those of Grand Elector, Arch Chancellor of State, Arch Treasurer, Constable, and Grand Admiral. — 33. The titularies of the Grand Dignities of the Empire are nominated by the Emperor. They shall enjoy the same honours as the French Princes, and take precedence immediately after them. The period of their reception determines the rank which they respectively hold. — 34. The Grand Dignities of the Empire cannot be removed. — 35. The titularies of the Great Dignities of the Empire, are Senators and Counsellors of State. — 36. They form the Grand Council of the Emperor, they are Members of the Privy Council; they compose the Grand Council of the Legion of Honour. The present Members of the Grand Council of the Legion of Honour shall retain, during life, their titles, functions, and prerogatives. — 37. The Emperor presides in the Senate and Council of State. When the Emperor does not preside in the Senate or Council of State, he shall nominate one of the titularies of the Great Dignities of the State to be President. — 38. All acts of the Senate and Legislative Body are passed in the name of the Emperor, and promulgated or published under the Imperial Seal. — 39. The Grand Elector performs the functions of Chancellor—1st. In convoking the Legislative Body, the Electoral Colleges, and the Cantonal Assemblies; 2d. In promulgating the Senatus Consulta for dissolving the Legislative Body, or the Electoral Colleges. The Grand Elector presides in the absence of the Emperor, when the Senate proceeds to the nomination of Senators, Legislators, or Tribunes. He may reside in the Palace of the Senate. He makes known to the Emperor the remonstrances presented by the Electoral Colleges of the Cantonal Assemblies, in regard to the preservation of their prerogatives. — When a Member of an Electoral College is denounced, agreeably to the 21st article of the organic Senatus Consultum, of the 16th of Thermidor, year 10, as having committed any act contrary to the honour or the good of his country, the Grand Elector shall invite the College to manifest its will. He shall report the will of the College to the Emperor. The Grand Elector presents the Members of the Senate, of the Council of State, and of the Legislative Body, to take the oath before the Emperor. He administers the

oath to the Presidents of the Electoral Colleges, of the Department and Cantonal Assemblies. He presents the solemn deputations of the Senate, the Council of State, Legislative Body, Tribunate, and Electoral Colleges, when admitted to an audience of the Emperor.

(To be continued.)

PUBLIC PAPERS.

Verbal Declaration, made on the 16th of May, at the Diet of Ratisbon, by the Ministers for the Elector of Baden, Brandenburg, and others, relative to the Subject of the Russian Note

The Electoral Legation has not failed to transmit to the Court of Baden and their other principals, the Imperial Russian Note; but have not received, nor indeed could they as yet receive any commands on the subject. They conceive, however, that they may declare that his Majesty the King, and the other Courts whom they represent, entertain a well founded hope that the First Consul will of himself be inclined (according to the sentiment of the Bohemian and Austrian Minister) to give a full and satisfactory explanation on the subject that has occasioned anxiety, and such as may entirely correspond to the expectation of his Majesty, the Emperor of Russia.

FOREIGN OFFICIAL PAPERS.

Letter from Rear Admiral Linois, Commander of the French Naval Force in India, to the Minister of Marine, &c. Dated on board the Marengo, in the Road of Bencoolen, Dec. 3, 1803.

Citizen Minister, — I have the honour to inform you of my departure from the Isle of Reunion. I have taken under the line an English merchantman of 1500 tons, from Bengal bound to China, carrying 16 guns, and valued at many millions. My mission was to make an attack upon the island of Sumatra. — Before I entered the Straits of Sunda, I was desirous to ascertain if they had any vessels in the road of Bencoolen; and yesterday I discovered six, but the night forced me to anchor at a distance. In the morning the vessels seeing me at anchor, ran for safety to Sellabar, to the southward of Bencoolen. I hoisted English colours, on which an English pilot was sent off to demand of me the names of my division, and to what fleet it belonged. I employed this pilot to anchor before Bencoolen, out of the fire of the cannon of Fort Marlborough. — I sent at the same time, La Semillante, Captain Motard, and Le Barceau, Capt Halgan, to Sellabar, to destroy such English vessels as

they might find there, and notwithstanding the fire of a little fort, which discharged several shot without effect, these two vessels fulfilled their mission. Six vessels were burnt by the English themselves, and two were burnt by us, together with three large magazines of the Company, filled with pepper, rice, and opium. The ship *Eliza Ann*, from Madras, is taken, as well as two brigs. The loss of the English may be estimated at 10 or 12 millions of francs. I could have destroyed the town of Bencoolen, but we are not at war with the natives, and I did not wish to imitate the conduct of our enemies, by endeavouring to injure individuals without an object.—The vessels lost by the English were richly laden, and had come from Bengal. A lieutenant and a drummer were killed by a cannon shot, and two men were wounded. At Sellabar we respected private property, and only seized the magazines of the Company; this conduct procured us the confidence of the inhabitants. I have no sick; the crews are in good health, and I am continuing my cruise.

Letter from JULLIEM, Gen. of Brigade, Prefect of the Department of Morbihan, to the Grand Judge. Dated Vannes, May 13, 1804.

Citizen Grand Judge.—An English corvette was taken a few days ago, by our gun boats, at the entrance of the Morbihan; and having yesterday learned that the officers and crew of this vessel had reached Vannes, on their way to Epinal, I had an interview with the captain, with the intention of obtaining, by artifice, some admission or accounts relative to the traitors who might be aiding him on the coast, or of the accomplices in the conspiracy who might have secreted themselves aboard the vessel, to escape, as I suspected, to England.—I soon discovered this captain to be a person of some importance. He is a Mr. Wright, who landed Georges, Pichegru, and their accomplices on the coast of Dieppe. I knew him well in Egypt, where he was the lieutenant of Sir Sidney Smith, and charged by that commodore with all his negotiations with the French army. I thought he might make some useful discoveries, or at least might acquit himself, by avowing that it was by order of his government that he disembarked on our coast that band of assassins, and might thus furnish a new and authentic proof of the participation of the British Cabinet in this atrocity. I have, therefore, sent him off by the *Diligence*, and under the escort of the gendarmerie, recommending you, however, to pay him the respect due to

a prisoner of war.—Mr. Wright is the same person who some years since escaped from the Temple with Sir Sidney Smith; he is very reserved and cunning, a fanatical enemy of the French, vain enough to consider himself destined to play a considerable part, and so insolent as to believe that his situation secures him from danger.—But this may fail him, if he is placed in the alternative of throwing the blame of his mission upon his government, or of passing for an ostensible conspirator, and so liable to justice. I thought proper to state my own opinion on this subject.—He will set off this evening in the *Diligence* from Rennes, and will arrive at Paris almost as soon as my letter: he is accompanied by a very young nephew and his domestic, whom I did not think proper to separate from him.—Although I wished to conceal from him the motive of the extraordinary measure adopted towards him, he was not to be duped; and I have reason to believe, from my conversation with him, that he had studied his part, and is determined to remain silent, on the principle that he ought only to render an account of his military exertions to his own government. Nevertheless, whatever measures you may take respecting him, I thought, at all events, it would be of importance to send you a man who has acted so conspicuously in the frightful conspiracy which has struck all France with alarm, and which Providence, always propitious, seems to have thrown (as a new example of its benevolence towards Buonaparté) on the coast of Morbihan, where his well armed ship was destined to be taken by simple gun boats, and himself to be discovered amidst a croud of prisoners, amongst whom in any other part than here, he might have remained undiscovered.

SUMMARY OF POLITICS.

DIET OF RATISBON.—The ministers of the Electors of the Empire have made a verbal declaration, in the diet, by way of answer to the note of the Russian minister; but, they take very good care not to express any participation in the better feelings of the Emperor of Russia, upon the subject. They agree with the Russian Note, as to the fact of a violation of territory and of the neutrality of Germany having been committed; but, they observe, that they have no doubt but that the First Consul of France will, of himself, hasten to apologize for an act "which, they are certain, he must have disapproved of!"—They know very well, that he did not disapprove of that act; but, that, on the contrary, it was by his express orders the

act was committed : and, it will naturally excite a good deal of surprize, if they should not be egregiously mistaken, as to his hastening to make an apology. It is improbable that he should make any apology at all ; and, if he should, it will be in such a way as by no means to bar his right to exercise a similar power, whenever his interests may require it. The Electors of the Empire are unwilling to offend the Emperor of Russia ; but, they are much more unwilling to offend the Emperor of the French. Fear is the feeling, by which petty half-dependent states are almost always actuated ; and of course, they are more likely to yield to a great power that is near them, than to a great power at a distance. France has several of them under her very paw : they may, in case of danger, cry to Russia ; but, before their supplications can scarcely be heard, they are crushed to death ; and, as their desire is to live, be the condition what it may, it is more than probable, that their feeble declaration at the diet is the last that the world will ever hear of their resentment of the arrest, and the subsequent execution, of the Duc d'Enghien. As to their joining in a war against France, on account of this violation of their territory, or, indeed, on any other account, the man must be mad who, though but for one moment, entertains the idea.

RUSSIA.—Nor does there appear to be any good reason for supposing, that Russia will declare war against France. Without the aid of Prussia and Austria, or one of them, Russia can do little or nothing against France. Prussia will not stir, if she can, and Austria cannot, if she would, unassisted with British subsidies, which subsidies Mr. Pitt will never be able to spare. A declaration of war, on the part of Russia alone, would only furnish the French with a fair pretext for again over-running two or three of the circles of the German empire, without affording to this country one moment's relief from the danger of invasion. Russia cannot send a force sufficient to compel the French to withdraw their armies from the coast opposite us. The flotillas will continue augmenting, in spite of every thing that Russia *alone* can do ; and our expense, our alarm, our inglorious degrading warfare, must continue. There is nothing short of an extensive coalition upon the continent that will do us any good ; and, to render that coalition firm and durable, we must be the soul of it ; it must be cemented by British gold, and strengthened by British troops. Unless a combination of this sort can take place, it is much better for us that the con-

tinent should remain as it is, because very partial attempt at humbling France must naturally tend to exalt her, and to extend still further her influence and her dominion ; and, that such a combination will ever be formed, under the auspices of Mr. Pitt and Lord Melville, it would be excessive folly to suppose. These two persons never have understood any thing of the true interests of England, as connected with the continent of Europe : they have no notion of making war but for the sake of grasping at bits of colonial territory : if they assist the powers of the continent, it is only for the sake of leaving themselves at liberty to pursue their favourite projects in other parts of the world.

EXPEDITION AGAINST THE CAPE.—At a time when ships are fitting out, and troops are collecting, *said* to be destined against the Cape of Good Hope, it may not be amiss to turn back for a moment, to the opinions delivered by some of the members of the present ministry, respecting that post, at the time when it was surrendered to the enemy.—The Lord Chancellor asked, upon what grounds the cession of the Cape could be regarded as matter of regret ? “ Is it,” said he, “ because the place has been fed at a “ most enormous expense, from which this “ country is now *happily relieved* ?” * Lord Mulgrave said : “ much stress has been laid “ on the value of the Cape of Good Hope. “ Though I have never seen the Cape myself, yet I have heard, from professional “ men, that it has been greatly over-rated “ in this country ; that it is an expensive, “ unproductive settlement, and obliged to “ be maintained, ever since we obtained “ possession of it, at an enormous expense “ to this country. I leave your lordships to “ conjecture, then, what my surprize must “ have been, when I heard, that a right “ hon. friend of mine had declared, in another place, that the minister who should “ dare to give up the Cape, would deserve “ to lose his head !” Lord Hawkesbury called the Cape “ an unproductive and *useless possession*, maintained at an enormous “ expense ; a constant drain of men and of “ money ;” and insisted, “ that to surrender it to the Dutch was the wisest course “ we could pursue.” Mr. Pitt did, indeed, say, that “ the opinion he had been taught “ to entertain of the value of the Cape was “ much higher than that expressed by his “ noble friend. He knew there were *great authorities* against him ; but, on the other “ hand, from what he had heard from a “ noble Marquis, and from a right hon.

* See Debates, Register Vol. II. p. 1105.

" friend of his, who had long presided over
 " the affairs of India, he was induced to
 " think the Cape of Good Hope a more im-
 " portant place than it had been represented
 " upon this occasion. But thinking thus
 " highly as he did of the Cape, he consider-
 " ed it as *far inferior indeed to Ceylon*,
 " which he looked upon to be a place, the
 " possession of which would add more than
 " that of any other to the security of our
 " East India possessions, and would put our
 " dominions, in that quarter, in a greater
 " degree of safety than they ever had en-
 " joyed, from the first hour that we set our
 " foot upon the continent of India." In
 another part of the same speech, he explic-
 itly declared, that he regarded the Cape as
 being very far inferior in value to Ceylon and
 Trinidad.—Yet, this is the post that we are
 now, it is said, fitting out an expedition to re-
 conquer! Mr. Dundas, indeed, now Lord
 Melville, persevered in his ancient attach-
 ment to the Cape, and, regarding him as
 the only efficient war-minister in the present
 cabinet the measure now about to be adopt-
 ed is consistent enough; but, if we sup-
 pose that *every* member of the cabinet had
 a voice, we shall certainly have a right
 to call upon the Lord Chancellor and Lord
 Hawkesbury for the reasons that shall in-
 duce them to consent to the sending away
 of a considerable part of our little army for
 the purpose of reconquering a post, which
 they thought we were *happy* in getting rid
 of.—As to the measure itself, unconnected
 with the opinions formerly given by the pre-
 sent ministers, it would certainly be very
 difficult to shew that it is dictated by wis-
 dom. There is a vast difference between
 the keeping of a place of which you have ob-
 tained possession, and the undertaking of a
 re-conquest of such place after you have
 surrendered it. It is obvious, too, that every
 enterprize of this sort must be viewed in
 conjunction with the state of the country at
 home; its danger from foreign attack; its
 resources of men and money: and, if this
 mode of judging be, in the present case,
 pursued, an expedition against the Cape of
 Good Hope, even if immediate success
 were certain, must appear to be a measure not
 easily justified. Exactly how many men may
 be required for insuring the reduction of the
 Cape, can be known only to those who have
 the means of ascertaining the strength of the
 present garrison; but, any number less
 than that of ten thousand would scarcely be
 embarked in the expedition; and, with re-
 spect to the wisdom of sending away a sixth
 part of our regular army, at a time like the
 present, for the purpose of making con-

quests, in distant regions, very little diffe-
 rence of opinion can possibly prevail.

MILITARY PROJECT.—On Tuesday,
 the 5th instant, Mr. Pitt brought forward his
 motion for leave to bring in a bill, " for
 " raising and supporting a permanent addi-
 " tional force, for more effectually recruiting
 " the regular army, and for the gradual re-
 " duction of the militia."—Upon this very
 important subject I wish to deliver my opi-
 nion with the greatest degree of candour,
 and yet in a manner entirely unrestrained by
 the respect, which, in common with others
 who have been accustomed to listen to him,
 I may entertain for the person, by whom it
 has been brought before the Parliament.
 Great allowances are to be made him, on
 account of the difficulties which he must
 have to encounter: slight errors ought not
 to be treated with severity: in condemning
 his measure, his motive may be found to
 merit applause. He wishes to provide the
 means of augmenting, or rather of filling up,
 our regular army: so do we all: as to the
 end there is no difference of opinion: we
 only differ as to the means: and, if it should
 appear, that the means proposed by Mr. Pitt
 are not only not the most likely, but are even
 the least likely, to accomplish this unani-
 mously desired end, it does not follow, that
 the minister has, in making his proposition,
 discovered any censurable want of capacity;
 because, when we take a view of his life, of
 his habits, and pursuits, we must at once
 perceive, that it is next to an absolute im-
 possibility, that he should possess sufficient
 information upon matters connected with
 the raising of an army. Indeed, all that he
 advances must be considered as purely theo-
 retical; and, the raising of soldiers is a thing
 entirely practical. A regulation, good at
 one time, may be very bad at another time.
 That which is an inducement to enlist, in
 one country, is no inducement in another.
 A man's knowledge, upon this subject, is not
 to be gathered from reading, or from calcu-
 lations: actual experience, either by oneself,
 or by those with whom one *freely* converses,
 and who have such experience, is the only
 safe guide; and, of this guide Mr. Pitt has,
 assuredly, never had the assistance. There-
 fore, though the project, as considered with
 relation to its inventor, is entitled to the ut-
 most degree of indulgence; yet, care must
 be taken not to suffer our opinion of his ta-
 lents in general to mislead us here into an
 approbation of what is rejected either by
 fact or reason.—His project, as near as it
 can be gathered from the report of his speech,
 is as follows:

1. To abolish entirely all balloting, whether

for the Militia, or the Army of Reserve, properly called, in the language of the Act, the "Additional Military Force." And, as vacancies shall, in future, occur in the Militia, to leave them not filled up, until the whole of the militia force in England is reduced to forty-thousand men, and the whole militia force of Scotland to eight thousand men

2. To make the Army of Reserve a permanent establishment, always consisting of seventy-four thousand men; and, out of this body, by means hereafter to be described, to recruit the regular army.
3. Of the Army of Reserve there is now, in Great Britain, a deficiency of nine thousand men, and, of the Militia there is a deficiency of about seven thousand men. These are to be raised immediately, in the manner hereafter mentioned, by the parishes, where the deficiencies exist; and they are all to be sent to join the Army of Reserve, stationed as is hereafter described. As fast as future vacancies shall take place in the Militia, men are to be raised by the parishes respectively in numbers equal to those vacancies; but, instead of going to serve as militia-men, they are to join, and to belong to, the Army of Reserve; and this course is to be pursued, until the Militia be reduced to the numbers before stated.
4. The mode of raising the men is by quota, according to the population of the parishes respectively. There is to be no individual compulsion. The men are to be raised by voluntary recruiting, at a bounty four pounds lower than the bounty for enlistment in the regular army; which recruiting is to be conducted by parochial officers in the several parishes, and which bounty is to be paid by the government, out of a general fund to consist of the produce of fines imposed on such parishes as shall, through negligence or inability, fail in raising and furnishing their quota of men.
5. The men, thus placed in the Army of Reserve, are to serve there for the term of five years, or during the war, and until six months after a peace shall have been concluded. They are, however, to have, at all times, full liberty to quit the Army of Reserve, and to enlist into the regular service. But, to prevent this liberty from being injurious to discipline, the Army of Reserve is to be formed into second battalions, each of which is to be annexed to, and, as much as may be, quartered with, some one regular regiment, and, if possible, with that regiment that bears the name of the

county or district where the Reserve battalion has been raised; and, it is into this regular regiment, and this regiment only, that the Army of Reserve men of this battalion are to be permitted to enlist.

Such is the project, the object of which is said to be, "to raise and support a permanent additional force; to recruit more effectually the regular army; and to effect a gradual reduction of the militia!" In the observations which I have to offer, it will be as well to follow the order pointed out by the above sketch of the project.—1. That the balloting is intended to be abolished must be a subject of sincere joy, not only to all those who are anxious to see the regular army once more raise its head, but to every man in the country, with the exception of crimps and extorting constables. The traffic which has been carried on, for the last twelve months, is quite sufficient to destroy the military spirit of any country in the world. Every thing that has touched the business of raising men seems to have been impregnated with infamy. That the militia is intended to be greatly reduced in number is also a subject of joy. Forty thousand men to be locked up in this sort of establishment is a number much too high; and, Scotland included, there are still to be forty-eight thousand. However, the reduction which is now proposed to be made is of importance; it is a good beginning; it will dissolve the spell which has so long rendered useless the arms of the stoutest of our men. While, however, I most cordially bestow my approbation on this part of the project of Mr. Pitt, it is impossible for me to refrain from expressing some degree of wonder and of regret, that, in proposing it to the house and the country, he should have totally omitted to remind them, that he himself had, till very lately, held opinions, as to this point, directly opposite to those now entertained by him, and, that the reduction of the militia was, not many months before, recommended, in that house, by gentlemen, whom he might have pointed out to his hearers. From the conclusion of the peace of Amiens, nay, previous to that event; so early as the month of March, 1802, Mr. Elliot and Mr. Windham endeavoured to put a stop to the rage for a balloted army. On every occasion, from that time to this, when any augmentation of militia has been proposed, they have strenuously opposed such proposition, and, principally, upon the ground, that with a numerous militia it would be utterly impossible ever to have a large regular army, a truth which Mr. Pitt has, at last, acknowledged,

but he has made this acknowledgment in the shape of a *discovery of his own*. Having, in the course of my Analytical View of the two pamphlets published upon the subject of the quarrel between Mr. Pitt and Mr. Addington, had occasion to refer to, and to quote from, the several speeches, made by Mr. Windham and Mr. Elliot, relative to the militia, I shall content myself here with pointing out the part of this work where the several passages are to be found; viz, in the present volume from page 5 to page 17. It was, however, during the debates on the Army of Reserve Bill, in the month of June, 1803, that the opinions of Mr. Pitt were first decidedly and openly expressed upon this subject; and then, particularly in the sitting of the 23d of June, no small portion of his speech was occupied in expressing his dissent, not entirely unmingled with sarcastic censure, from the opinion given by Mr. Elliot, who, in one of the best speeches ever made on the subject, had opened the debate, and who, in speaking of the militia establishment, made use of the following remarkable words: "I have always been against carrying this establishment to the extent to which it has been carried. Though I know I am speaking treason to the sentiments of some gentlemen, I must avow, that I have, with great concern, seen the militia augmented beyond the number of 30,000. The rest of the population of the kingdom I would have left to the fair operation of the recruiting service. For the same reason I should now recommend the suspension of the levy of the supplementary militia." To these observations it was that Mr. Pitt gave the answer contained in the motto to the present sheet; and, he began his speech with remarking, that he not only differed in opinion from Mr. Elliot as to the propriety of passing the bill, but, that he approved of it for precisely the reasons that Mr. Elliot disapproved of it. "This mode," says he, in another part of his speech, "will be much more effectual in its execution for recruiting the regular army, than that which my right hon. friend" (Mr. Windham, alluding to a former debate) "would build on the reduction of the militia." He further said, that "he approved of the Army of Reserve plan, because it was built upon that of the militia, and was to proceed in its execution by ballot, a mode that was known and familiar to the community." Yet, in order the more effectually to provide for the recruiting of the regular army, this very gentleman now proposes to reduce the militia to forty thousand men, and to put a stop to

balloting altogether! Very well: he is, in these respects, doing what is very wise; but, he should have taken an opportunity of observing, that he was now adopting advice which he had rejected (I will not say with disdain) a twelve month ago; and, the public will not fail to perceive, that, if Mr. Elliot's proposition for suspending the ballot for the supplementary militia had been listened to, Mr. Pitt would not, at this moment have had to pronounce the dismal sentence of gradual decay upon the militia of Great Britain. If that advice had been followed, the Army of Reserve would have been completed many months ago, and there would now have been, perhaps, three or four thousand men more in the regular army from that source, as well as a considerable number more than there now are from the source of general recruiting.—2. The second head admits of only this one remark, that the augmenting of the Army of Reserve to 74,000 men greatly lessens the merit of that part of the plan which goes to the reduction of the militia. The establishment is to be 74,000 men. Seventy-four thousand men are always to be kept locked up in the islands, which, added to the militia, make a total of 122,000 men, not one of whom can be sent upon foreign service. Was there ever such a thing heard of before in the world? Consider, too, that we boast of having 400,000 men in our volunteer corps! Can a nation having 522,000 men under arms, and not able to order one of those men on the duties of real war; not able to send one of them in pursuit of the enemy, or in search of conquest; can such a nation be said to possess one spark of military fire?—Nay, can it, for any length of time, defend its own shores?—3. The first demand to be made upon the parishes is for the men necessary to make up the deficiencies, which now exist, in their returns to the Army of Reserve and the Militia. As a way of coming at some *finis*, whereby to begin the recruiting fund, this part of the project will certainly succeed; for, if these parishes have hitherto been unable to furnish men, though at a bounty of forty or fifty guineas, what probability is there, that they should be able to furnish them, when nailed down to a bounty four pounds lower than that of the regular army; that is, about five or six guineas? And this demand is to be made, too, you will observe, in that season of the year, which is, of all others, the most inauspicious for recruiting: in hay-time and harvest. If this project is to be adopted, some reconsideration ought to be bestowed upon this part of it. These parishes have

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been stigmatized as *delinquents*: a milder term would have been adopted, if due regard had been paid to the feelings of the parish officers and magistrates concerned. I happen to be acquainted with some of these gentlemen, and I know, that it is impossible that in zeal, toil, or anxiety, in this respect, they should have been surpassed by persons in similar situations in any part of the kingdom. The gross amount of the population is a very uncertain standard whereby to judge of the ability of a parish to furnish men for the ballot; and, it is a fact which can be proved at the bar of the House of Commons, that, in some of the parishes termed delinquents, it was physically impossible to supply the number of men demanded. I have heard, and from very good authority, that, from a hundred to two hundred men are frequently balloted, without obtaining above one man, and sometimes not one, who is not, from some cause or other, exempted from the effects of such ballot. Under such circumstances, I submit whether it be just to stigmatize a parish as delinquent; and, I appeal to Mr. Pitt whether fines ought now to be imposed on such parishes, if they should be unable to raise the men that are wanted to make up for their deficiencies.—4. As to the mode of raising the men, though I heartily rejoice at the abolition of the ballot, I can never approve of the recruiting service being committed to the hands of parish officers. Either the quotas will not be completed, or they will be completed by such means, and will produce such men for the army, as one cannot but be shocked at thinking of. The parish officers are to be forbidden, under a penalty of course, to give so high a bounty as that which is given for the regular army; that is, they are not to give above six or seven guineas at most. Does any one think, that they will obtain men for this sum, just after from thirty to fifty guineas have been given as a bounty for the very same service? They are to be restrained, too, as to the locality: they are not to extend their recruiting perambulations beyond certain limits. Thus circumscribed, can it be believed that they will ever fairly raise their quota? If they fail, however, their parish is to pay a fine in amount proportioned to the number of men deficient. The consequence of these regulations will be: the parish officers will first endeavour to get the men at the stated bounty: it is pretty evident, that no man will take that bounty, unless he is compelled to do it; and, as the parish officers and magistrates will have a power of compulsion over none but thieves and vagrants, or, at least, offenders against

the law, in some way or other, that description of persons will form the first supply of recruits. When this source is dry, and when all endeavours to replenish it shall have failed, the parish officers will inquire what is the amount of the fine; and, having ascertained that, they will give some crimp as much for each recruit, within a pound or two, as they would have to pay for each deficient man in the shape of a fine. No regulation, no order, no injunction, no law, will prevent this. Oaths would be useless, and penalties would be a jest. Regulations of this sort have frequently been in force in the army, when men have been raised for rank; and, they have invariably proved unavailing; because detection and proof of guilt are next to impossible. The *competition* will, then, still remain, and will receive increased powers of mischief; because, there will be more men now raised for this limited service than before, and they will all be raised for the Army of Reserve, instead of being in part raised for the militia, for which service the county did not present so strong a temptation. Besides, it must be recollected, that the ballot produced *some* men at least, who served in person, and whose entrance into the limited service did not increase the competition against the regular army; whereas, now, the whole are to be raised by bounty; and, as I have before said, after the houses of correction are emptied, this bounty will have, and can have, no other limit than the amount of the fine imposed on the parish for each deficient recruit, and, if this fine be of small amount, the parish will take but very little trouble to avoid the payment of it. Hence it appears to me, that one of three consequences must inevitably result from this part of the project: first, that the quota men will consist of thieves, vagrants, and other offenders against the law; second, that, if the fine be small, the parish will pay it rather than be plagued with recruiting; or, third, that, if the fine be heavy, the parish will give high bounties, and the competition against the regular army will be as injurious as ever. Balloting is to be got rid of, and every one must be glad of that, because the effect of it was to produce great hardship upon individuals, and to force men into clubs to insure one another against serving their country, as if it were a calamity like that of a fire or a foundering at sea; but, the other evil of the ballot, the competition against the regular army, will remain, and must operate in full force, unless the fine upon the parish for each deficient man be lower than the full bounty for enlistment in the regular army, in which case it will be much

too small to insure the exertions of the parish officers, and may be considered merely as a tax; but, let it not be forgotten, that it will be a tax of a most odious kind, and one peculiarly well contrived to make the whole nation impatient and discontented under the continuation of the war. In taking leave of this part of the subject, it seems necessary just to notice the changes, which appear to have taken place in the mind of Mr. Pitt. In his speech of the 23d of June, 1803, he strongly reprobated the imposing of any fine at all. Mr. Windham had proposed a fine to prevent substitution and competition, which fine might go to a fund for raising recruits for the regular army; but Mr. Pitt was for a substitute, or for personal service, seeing that this was the only alternative that was sure to produce *men*, and men, he said, we wanted, and not *money*. Now he is for a fine, and for a fine, too, which is to go to a general recruiting fund, having clearly discovered, that a system of substitution is totally incompatible with the existence of a regular army of any considerable strength. But, it is to a much more sudden change, that I particularly allude. When he first broached to the parliament his present project, he appears to have had no notion at all of abolishing the ballot, which, on the contrary, he seems to have relied on as the main pillar of his scheme. "I should propose," said he, "that the ballot should go on as it is conducted in the militia establishment. If an individual is balloted, he will have the choice either of paying a penalty, or to accept of the bounty, which should not be less than that offered for the regular army. Persons drawn would have the option either of receiving a bounty, or of paying a penalty, and, I have no doubt, if this were a short time persisted in, the system of substitutes would be materially diminished." Had Mr. Pitt taken but one moment to reflect, he would have perceived, that this was extremely fallacious, seeing that every drafted man would have been found to be a person well able to pay the fine, or else, a member of some club, by which membership he would have been placed exactly in the same situation as if he had not been drawn. The sudden change, however, from this ballot system to a system of no ballots is what I wish to direct the readers' attention to, and to remind him, that, at the time when the former system was brought forward, which was on the 25th of April, Mr. Pitt said, "he hoped he should meet with the indulgence of the house, while he stated the out-lines of a

plan on this subject, the result of long and careful examination, the effect of digested and careful comparison of the wants and circumstances of the country." A noble Lord in the other house was, too, induced to postpone his motion for an inquiry into the state of the national defence, because he understood that Mr. Pitt "had turned his thoughts to the subject." After this have we not reason to be surprized, that the plan now presented to Parliament should so widely differ from that of which they were furnished with a sketch only five weeks before? The very principle of the present plan is entirely different from the other; for whether the men are to go into a militia or an army of reserve is not a matter of half so much importance as whether there is to be a ballot or not. The entire abolition of the ballot is the great characteristic of the new plan, and, in the other plan, the ballot was to be preserved. Mr. Pitt tells us, indeed, that this change has arisen from the information which he has, since his former speech, obtained, with regard to the effects of the ballot. "He had," he said, "been, in the first instance, convinced that the ballot system was favourable to personal service. With a view, therefore, of accomplishing this very desirable object, he had been disposed to make the ballot the foundation of his plan; but, having within these few days, made particular inquiry into this matter, he had found, that of the whole number of men raised by the army of reserve ballots, only between two and three thousand had actually given personal service. In England the proportion had been not more than 1 in 12, in Scotland it was about 1 in 16, and in Ireland the proportion was so small as not to be worthy of notice. This appeared to him, as he trusted it would appear to the House, a strong reason for not placing so much confidence as he had formerly been disposed to do in the balloting system." Yes, certainly, a very strong reason, a reason perfectly irresistible by any thing but a majority of "good ministerial votes;" but, let it be remembered that it is a reason, which, in that very Parliament House has been fifty times urged by Mr. Windham and Mr. Elliot since the month of March 1802. What! was it not till "within a few days" that Mr. Pitt had obtained information respecting the effects of the ballot? And was he, nevertheless, several weeks ago "perfectly prepared" to submit his plan to the Parliament? Why! there was scarcely a man in England, who did not know, that the ballot was almost

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entirely useless as to the producing of personal service; and, if Mr. Pitt had remained in ignorance up to the very day when his first project was opened to the House, he was then told by Mr. Yorke, that any plan which was founded on the ballot would fail of producing personal service; for, said Mr. Yorke, "if you call for a fine instead of a substitute, the fine will be paid, and instead of men you will receive money; for, if the fine be very small, each person balloted will be able to pay it, and, if it be so high as for the payment of it to produce embarrassment amongst persons in any rank of life, they will, as they now do, have recourse to a club." Mr. Yorke told Mr. Pitt, upon that occasion, that the number of balloted men who gave personal service was so very small, that no reliance whatever was to be placed upon that source; and, yet Mr. Pitt now tells the House, that it was not till "within these few days," that he became aware of this fact, a fact so important as to induce him to change the very foundation of his plan! Indeed, it was only about a week before the plan was finally submitted to the House, that Mr. Sturges, in answer to Mr. Addington, stated that the plan about to be brought forward was, in principle and substance, the same as that which his right honourable friend had, on a former day, sketched to the House. The change must, therefore, have been very sudden. Certainly so much like caprice, that the Parliament ought to think well and long before they adopt any measure of this sort, introduced by the same person.—5. If the men should be at all collected together, they are to be placed in an Army of Reserve, out of which they are to be, at all times, at liberty to enlist into the regular army; but, to prevent indiscipline, they are to be restrained as to their choice of regiments, and are, in fact, to be compelled to enlist, if they enlist at all, into that particular regular regiment, to which they are to be attached as second battalions. But, Mr. Pitt's speech upon this part of the subject is really too curious not to be quoted entire: "It will not be denied that it is in the nature of man to go on from step to step in the general affairs of life. Many will be prevailed on after a certain interval to become regular soldiers, who, in the first instance, were averse from the life of a soldier as an ultimate object.....I declare without hesitation, that the mode of disposing of the men in second battalions, attached to regular regiments, is by far the most eligible, and the most likely to be attended with advantage.

"The House, Sir, are, I am persuaded, sufficiently aware of the sort of connexion that must be formed between the two battalions attached to each other in the manner I propose. The promotion of officers must, of course, be reciprocal and indiscriminate. The consequence of this will be, that a constant interchange between the two battalions will be taking place. The officer in the second battalion while he is employing his labour to complete his men in discipline, thinks that he may soon meet them in another situation, and reap the reward of his labour by leading them with honour against the enemy. The soldiers, on the other hand, are animated to the discharge of their duty by this reciprocity of services. They cannot hope to escape from their present commanders, who perhaps may have been the witnesses of their negligence, their carelessness, or their want of spirit. They have before them the prospect of being under the command of the same officers, under other circumstances, and therefore they are anxious to avoid that sort of unmilitary or criminal conduct which may subject them to the censure of their officers, or expose them to the contempt of their fellow soldiers. It is to be recollected, too, Sir, that a certain degree of affection and attachment must arise out of the system which I am now endeavouring to recommend. It is in the very nature of things, that the intercourse arising out of such a connexion must be followed by attachment. The interchange of habits must beget some degree of affection. A kind of family feeling must be created in the whole body. We have seen that out of 30,000 men raised last year, 10,000 were induced to join the regular army, though scattered and disjointed over the whole mass of the regular troops in this country. How much more powerful, Sir, must such a feeling be, when the connexion betwixt first and second battalions is so close and so animating as that which I have now described? In the one case there was no previous tie of attachment. In the other, there will be all the influence of known habits, feelings, and manners."—This is "such stuff as dreams are made of!" To argue thus is at once to show the world that you know nothing at all of the nature of a military life and of the propensities of soldiers. No, it will not be denied, that men "go on from step to step in the general affairs of life;" but, every one, who considers well this subject, will deny, that, without other

motives than such as are here enumerated by Mr. Pitt, men will be very ready to exchange a limited term of service for an unlimited term. According to the present project, the men of the Army of Reserve are to be attached to, and quartered with, if possible, the regiments of the line, into which alone they are to be permitted to enlist. In fact, they are to be placed in the same regiment that they must enlist into, if they enlist at all. How this is to be managed one might ask Mr. Pitt. How a battalion enrolled for home service is to be attached to a battalion enrolled for, and liable to be sent upon, foreign service, he will, I dare say, endeavour to explain. It is evident, however, that this system of coupling the Reserve battalions with battalions of the regular army can be adopted only in certain cases; and, as to adhering to any rule the object of which shall be to unite each battalion of Reserve with a regular battalion bearing the name of, and chiefly recruited in, the country whence the Reserve battalion has been collected, the thing is utterly impracticable, and so it must appear to every one who bestows the least reflection upon the subject. Supposing, however, the coupling system to be practicable, to a certain extent, what will be its effects as to the recruiting of men for the regular army? Mr. Pitt very truly states, that the making of the two battalions one regiment, as to the duty and promotion of officers, and the preventing of the men from enlisting into any other than their own first battalion, will "cut off all hope to escape from" their present commanders, who, perhaps, "may have been witnesses of their negligence, disobedience, or want of spirit." But is this circumstance likely to promote recruiting? If men are discontented with their officers, is it likely that they will, with the prospect of continuing under those officers, exchange a limited term of service for service for life? This regulation might prevent indiscipline, in certain cases; but most certainly it would be a deadly blow to recruiting from the Army of Reserve into the regular army. Much dependence seems to be placed upon the effects of that *personal attachment and affection* that will arise out of the coupling system; and we are told, that, by this system, a sort of "*family feeling*" must be created by the intercourse and interchange of habits. "Sweet, oh, 'sweet's the love that meets return!" One is almost tempted to believe, that it is a modern novel, and not the speech of a member of Parliament, which is the subject of comment. Soldiers enlist from *affection*

and *family feeling*! Gracious heaven, how dangerous it is that a man of a fanciful mind and enchanting eloquence should possess great political power! The three principal motives by which men are actuated in enlisting from one service into another, are, first, change of officers and non-commissioned officers; second, change of place; third, the bounty; and, whoever is weak enough to rely upon the effect of any other inducement, will certainly find himself deceived. The first, if we allow the coupling system to be practicable, is totally cut off by the proposed regulation; because, though a man should enlist into the regular battalion, he will not thereby obtain a change in his officers; and, if he has a bad character, he will stand no chance of exchanging it for a better, being still confined to the same corps, and amongst all the persons, who have been, perhaps, witnesses of his disgrace, and which disgrace he would wipe away by passing over to a regiment at a distance, and entirely disconnected with that, in which he has been serving. Then, as to the second point, whoever knows any thing of soldiers, knows well, that their ruling passion is *love of change*, particularly change of place. Ask any soldier, which he thinks is the worst and most disagreeable place upon the face of the whole globe, and he will instantly answer you: "*this place* where "I am quartered." There are particular cases to cause exceptions to this rule; but, I am certain, that, ninety-nine times out of a hundred the rule will be found to hold good. Soldiers always long for the day of marching or of embarkation: it is in the nature of the service and of their situation that we are to look for the cause of this propensity: it pervades both old and young, married and single: non-commissioned officers as well as men: and, it is well known, that keeping regiments long in the same place never fails to make discontented soldiers and to produce desertion. Of all this Mr. Pitt seems to have been totally unaware. He thinks, on the contrary, that he shall induce men to enlist into the regular army by not suffering them to entertain any hope of a change of place from such enlistment. They are to remain quartered at the same place, for a year together perhaps, in company with their first battalion; and, if they enlist, the enlistment gives them no chance of a removal, and, therefore, this most powerful of all inducements to change their condition of service is completely destroyed. He says, that out of the thirty thousand men raised

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for the Army of Reserve last year, ten thousand have been induced to enlist into the regular army. "though scattered and disjointed over the whole mass of the regular troops in this country. How much more powerful, then, Sir," said he, "must the inclination to enlist be, when the connexion between the first and second battalion is so close and so animating as that which I have now described." I make no doubt that the connexion was animating in *description*, but I am sure it will not be so in reality. A common man would, I think, have argued in a manner directly the opposite of that of Mr. Pitt. Such a man would have said, that, since we have, by leaving the men at liberty to choose their regiments, obtained ten thousand regular recruits out of thirty thousand of the Army of Reserve, we ought by all means to continue that system, and not to endanger the success of recruiting by imposing restraints upon the choice of the persons whom we wished to become regular recruits. The third inducement, that of the bounty, will continue to operate as before; that is to say, if it be of the same amount. But here we are again to consider the effect which this bounty will have in impeding the progress, if not in keeping at a stand altogether, the ordinary recruiting for the regular army. The parish-raised recruit for the Army of Reserve is to receive four pounds less than is given to an original recruit for the regular army. Now, suppose it, for a moment, possible to cause this regulation to be adhered to. How high will you fix the bounty of those who enlist from the Army of Reserve into the regular army? At more than four pounds, certainly, or else the inducement will be too feeble to have any effect at all; and, if you fix this bounty high will it not be reckoned upon by those who would, perhaps, otherwise enlist into the regular army at once? Whatever be its amount, however, this bounty must always be included in the estimate of the competition against the recruiting for the regular army. As to the *discipline* which the coupling system is expected to promote, I have very little opinion of it indeed; and, if the system be practicable, which I do not believe, I should think, that the injury it would do the regular regiments, in the way of discipline, would far outweigh any good that could possibly be derived from it to the battalions of Reserve. A commanding officer, who entertains a proper degree of regard for the interest and honour of his regiment, reads nothing so much as to be encamped

or quartered with a regiment where the discipline is lax, and where, of course, his men must imbibe evil examples. What, then, would be the feelings of such an officer, were you to propose to keep a battalion of half-disciplined men continually "attached" to his regiment. If the proposition did not drive him mad he must have a mind much stronger than any that I can form an idea of. But, the discipline in both battalions is to be *exactly alike*. Will any military man say that this can possibly take place, except it be by *relaxing* the discipline of the *first* battalion? Suppose, for a moment, that it were possible to screw up the Army of Reserve recruits to the discipline of the line at once, what would be the consequence? Not a single man of them would consent to lengthen his term of service. Is it not notorious, that there is little or no discipline in the reserve battalions; and, that the men have gone from those battalions into the regular army, before they knew what it was to be treated as soldiers? What then would induce them to enter the regular army, if they were, upon their first putting on a red coat, subjected to all the necessary severities of a soldier's life? Yet, to keep them under a relaxed discipline, attached to a regular regiment, would be to ruin that regiment; and, besides, if in such case, a due degree of severity, that is, if strict discipline, were maintained in the first battalion, it is preposterous to hope that any man of the second battalion would enter into it; while, on the other hand, the soldiers of the first battalion would assuredly grow discontented at the contrast. In short, whichever way I turn this coupling part of the plan, in whatever light I view it, I am convinced, that, if at all practicable, and if persevered in, it will fail of its professed object of increasing the numbers of the regular army, and will materially injure, if not, at last, totally subvert, the present exemplary discipline of that army.—I cannot conclude these remarks without again adverting to that part of the plan which proposes to abolish all balloting. I dislike every part of the plan except this, including in this, of course, the reduction of the militia; but, so well do I like this part, so pleased am I with the prospect of seeing the poor married journeymen and labourers relieved from the burden of the ballot, and the country relieved from the disgrace of militia and army of reserve clubs, that I feel strongly disposed to meet all the evils that the other parts of the bill are calculated to produce. Since the operation of the Volunteer *exemptions*, the burden of the ballot has been al-

most unbearable. From the moment these exemptions were found to exist, the persons composing, or governing the volunteer corps, had it in their power to place, or to continue the burden of the ballot upon the shoulders of whomsoever they pleased; and, as this power naturally fell, for the most part, into the hands of opulent and talkative tradesmen and shopkeepers, the description of the persons left exposed to the ballot may be easily guessed at. When a volunteer corps was about to be raised, the first step was to form a committee, and the first business of that committee, after having laid down rules for their own proceedings, was, to elect members to fill the corps. If they viewed the corps as a protection against the ballot, they would, as a matter of course, begin by electing into it all their own relations, servants, and apprentices, and, if the circle became wider, it first extended to their friends and acquaintances; and, at any rate, was sure to be confined within the sphere of life, in which they themselves moved. Thus, the poor married journeymen and labourers were excluded, were left alone exposed to the crushing weight of the ballot, and that, too, merely for reasons which might have been urged against their being exposed to the ballot at all, even in company with others. It never was, it never could have been, originally, the intention of Parliament to lodge this oppressive power in the hands of volunteer committees, or even in volunteer corps: it never could have been its intention to invest any body whatever with such an unheard-of prerogative. Where is it possible to find, in the laws or usages of this country, or of any other country where the name of liberty exists, any principle whereon to give a part of a parish a right to associate together, and to say to the other part: we will be exempt from the burdens of the militia and the army of reserve, but you shall not: you shall not only bear your own share, but our share also. Had the right and the power of admitting men into the volunteer corps been regulated by law; had every man, poor as well as rich, married as well as single, had an equal chance of protecting himself, in that way, from the effects of the ballot; then, indeed, the case would have been different. But, the power of admission and of rejection was arbitrary; and, a power more oppressive and odious never was exercised in the world. It instantly drove all the poor married journeymen and labourers into clubs; the club-money was, of course, deducted from the

cloathing and food of their wives and children, who were smarting with hunger and in rags for the gay coats and lofty plumes of the volunteer corps. Thank God, this oppression is now to be done away! I most sincerely thank Mr. Pitt for his intention; and, though, if taken separately, I would oppose almost every other part of the bill which is now before the House, yet, I most certainly would vote for the whole rather than risk the loss of this wise and salutary, this just and merciful provision.—When a desirable object is obtained, one should not be over nice as to the time, manner, or other circumstances, under which it has been brought about: but, really there is something so remarkable in the circumstances attending this abolition of the ballot system, that one cannot refrain from noticing them. It was only about seven days previous to the day when this abolition was proposed, that the minister hastened, not without some remonstrance, the volunteer consolidation bill through the House; and, it will be recollected, that one of the principal objects of that bill was to settle the terms on which volunteers should be exempted from the operation of the ballots for the militia and army of reserve. How, then, must the House of Commons have been surprised to see the same minister, in less than a week afterwards, bring in a bill which sets out with declaring, that those ballots shall no longer exist? Mr. Pitt's change of mind has confessedly been very sudden; but, it now appears, that, at the very moment, when he was driving the volunteer exemption bill up to the Lords, he had in his pocket another bill, which should render that exemption perfectly nugatory. These bills, like waves of the sea, succeed, urge on, roll over, and swallow one another. As to the volunteers they have no reason whatever to complain. The law has promised them, that *they* shall be exempted from the effect of the ballots for the militia and the army of reserve, and *they* are still to be exempted. It has never promised them (nor did they I hope, ever wish for such a promise), that others, their less courageous and more unfortunate fellow-subjects, shall *not* be exempted from those ballots; and, indeed, one would expect, that this extension of the favour would rather augment than lessen its value in the eyes of persons, who have associated for the laudable purpose of defending their country, and who must, of course, be happy to see the burdens of any part of their countrymen alleviated.